UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 04 2013

Mr. Christopher M. Zygmont
Mowrey Meezan Coddington Cloud LLP
1100 Peachtree Street, Suite 650
Atlanta, Georgia 30309

RE: Freedom of Information Request No. EPA-2013-R4-002543

Dear Mr. Zygmont:

This letter is a partial response to your Freedom of Information Act (FOIA) request dated January 4, 2013, regarding the completed Case Conclusion Data Sheet (CCDS) prepared by the EPA for entry of the Walter Coke, Incorporated Resource Conservation and Recovery Act Administrative Order on Consent (AOC), Docket No. RCRA-04-2012-4255, dated September 17, 2012. Specifically, you requested any and all records reflecting the manner in which conclusions on the CCDS and EPA's conclusion or process for reaching the conclusion that the AOC would allegedly eliminate or reduce 1.4 billion pounds of pollution.

Pursuant to your discussion with Ms. LouAnn Gross, Chief, Information Access Section on February 21, 2013, you were advised that both Region 4 and U.S. EPA Headquarters components would be responding to your request. Enclosed please find the non-exempt records under the custodianship of Region 4 as listed in the enclosed index.

On or about March 15, 2013, you will also receive a second partial response of non-exempt records which fall under the custodianship of U.S. EPA Headquarters. Finally, on or about March 29, 2012, you should expect to receive the final response containing a listing of exempt records, along with appeal procedures.

We thank you for your continued cooperation in this matter as we move forward in finalizing the response to your request. Should you have questions, please contact me at 404-562-9642 or Ms. Uslu at 404-562-8676.

Sincerely,

LouAnn Gross

LouAnn Gross
Chief, Information Access Section

Index of Non-Exempt Documents
(EPA-2013-R4-002543)

Item	Date	Title
NE1	9/17/2012	Letter to Walter Coke Inc. for EPA Region 4 Reference RCRA Section 3008(h) Administrative Order of Consent (53 pages)
NE2	12/10/2012	ICIS Printout of Quantitative Environmental Impact List (1 page)
NE3	12/10/2012	Changes Made to Walter Coke Pollutant Calcs - See Screenshot Below (17 pages)
NE4	November 2003	Measure and Calculations for Volume of Contaminated Medium Addresses with Respect to the Superfund and RCRA Corrective Action Programs (20 pages)
NE5	01/10/2012	USEPA, Office of Compliance, Guide to Calculating Environmental Benefits from EPA Enforcement Cases – FY2012 Update (228 pages) www.epa.gov/compliance/resources/publications/data/tools/ccds.pdf
NE6	No date	Administrative Action Data Sheet – Walter Coke, Inc. (Releasing page 1, page 2 in part, 3-4, page 5 in part and page 6-11. Portions page 2 and 5 are under review for final determination.)

Releasable Gayla Uslu

NE1 Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 17 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carol W. Farrell, President
Walter Coke, Inc.
3500 35th Avenue North
Birmingham, AL 35207-2918

Dear Ms. Farrell:

Enclosed please find the executed RCRA Section 3008(h) Administrative Order on Consent (AOC), IN THE MATTER OF: Walter Coke, Inc., Docket No. RCRA-04-2012-4255, dated September 17, 2012. The signed and executed AOC has also been emailed to you today providing you notice that EPA has signed the AOC. Therefore, pursuant to Paragraph 109 of the AOC, the effective date of the AOC is Monday, September 24, 2012.

In addition, please note that pursuant to Section IX. INTERIM MEASURES of the enclosed AOC, Docket No. RCRA-04-2012-4255, the approved "final interim measures work plan (IWMP)" for the Former Chemical Plant, as referenced in the EPA letter to you dated April 16, 2012 (enclosed), is incorporated by reference into this AOC.

If you have any questions, feel free to contact me at (404) 562-8569. Legal inquiries should be directed to Joan Redleaf Durbin at (404) 562-9544.

Sincerely

Jeffrey Pallas
Acting Deputy Director
RCRA Division

Enclosures: 1) AOC dated September 17, 2012
2) April 16, 2012, EPA letter
To Walter Coke

cc: Dan Grucza, Walter Coke
Jarry Taylor, Esq
Phil Davis, ADEM

RECEIVED
EPA REGION IV

2012 SEP 17 AM 11:19

HEARING CLERK

RCRA SECTION 3008(h)

ORDER ON CONSENT

ISSUED TO

Walter Coke Inc.

Docket No. RCRA-04-2012-4255

TABLE OF CONTENTS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	Docket Number: RCRA-04-2012-4255
	)	
Walter Coke, Inc.	)	Proceeding under Section 3008(h)
	)	of the Resource Conservation and
	)	Recovery Act, 42 U.S.C. § 6928(h)
	)	
EPA ID No.: ALD 000 828 848	)	
	)	
Respondent	)	
	)	

ADMINISTRATIVE ORDER ON CONSENT

I. JURISDICTION

1. This Administrative Order on Consent ("Order") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 3008(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended by the Hazardous and Solid Waste Amendments ("HSWA") of 1984, 42 U.S.C. § 6928(h). The authority vested in the Administrator to issue orders under Section 3008(h) of RCRA has been delegated to the Regional Administrators by EPA Delegation Nos. 8 - 31 and 8 - 32 dated April 16, 1985, and has been further delegated by the Regional Administrator for Region 4 to the Deputy Director, RCRA Division on August 18, 2010. Section 3008(h) of RCRA, 42 U.S.C. § 6928(h), authorizes the Administrator of EPA or her delegatee to issue an order requiring corrective action or such other response which she deems necessary to protect human health or the environment, if, on the basis of any information, she determines that there is or has been a release of hazardous waste or hazardous constituents into the environment from a Facility that is, was, or should have been authorized to operate under Section 3005(e) of RCRA, 42 U.S.C. § 6925(e).

2. This Order is issued to Walter Coke, Inc., ("Respondent"), Birmingham, Alabama.

3. Respondent consents to and agrees not to contest EPA's jurisdiction to issue this Order or to enforce its terms. Accordingly, Respondent will not contest EPA's jurisdiction to: 1. compel compliance with this Order in any subsequent enforcement proceeding, either administrative or judicial; 2. require Respondent's full or interim compliance with the terms of this Order; and 3. impose sanctions for violations of this Order. In addition, Respondent agrees not to seek pre-enforcement review of this Order.

4. On September 29, 1989, EPA issued Respondent an Administrative Order pursuant to Section 3008(h) of RCRA. Following negotiations between EPA and Respondent, a modified Administrative Order was issued (hereinafter referred to as "the 1989 Order"). The 1989 Order required Respondent to perform a RCRA Facility Investigation (RFI) to evaluate whether any hazardous waste or hazardous constituents had escaped the identified solid waste management units in which they were, or suspected to be, located and, if so, the nature and extent of any release. The 1989 Order also required Respondent to develop, upon completion of the RFI, a Corrective Measures Study (CMS), if necessary, to identify remediation alternatives and to recommend any corrective measures to be taken at the Facility. By entry of this Order between EPA and the Respondent, EPA declares, and the Parties agree, that Respondent has completed all of the approved investigation tasks of the RFI Work Plans required by the 1989 Order. The Parties also agree that the CMS work and the selection and implementation of any remedy are best conducted and completed pursuant to this Order and that as a result, the 1989 Order is terminated and is no longer in force and effect.

II. PARTIES BOUND

5. This Order shall apply to and be binding upon EPA, Respondent and its officers, directors, employees, agents, successors and assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of the Respondent.

6. No change in ownership or corporate or partnership status relating to the Facility will in any way alter Respondent's responsibility under this Order. Any conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, shall not affect Respondent's obligations under this Order. Respondent will be responsible for and liable for any failure to carry out all activities required of the Respondent by the terms and conditions of the Order, regardless of the Respondent's use of employees, agents, contractors, or consultants to perform any such tasks.

7. Respondent shall provide a copy of this Order to all contractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within seven (7) days of the issuance of this Order or the retention of such person(s), whichever occurs later, and shall condition all such contracts on compliance with the terms of this Order.

8. Respondent shall provide written notice of this Order within ten (10) days to any successor-in-interest prior to transfer of ownership or operation of the Facility or a portion thereof. In addition, the Respondent shall provide written notification of said transfer of ownership and/or operation to the EPA within ten (10) days prior to such transfer.

9. Respondent agrees to undertake all actions required by the terms and conditions of this Order, including any portions of this Order incorporated by reference. Respondent waives its right to request a hearing on this matter pursuant to Section 3008(b) of RCRA and 40 C.F.R. Part 24, and consents to the issuance of this Order without a hearing pursuant to

Section 3008(b) of RCRA as a Consent Order issued pursuant to Section 3008(h) of RCRA. Any noncompliance with this Order, other than noncompliance authorized by EPA, constitutes a violation of the Order.

III. DEFINITIONS

10. Unless otherwise expressly provided in Attachment A: Definitions & Terms herein, terms used in this Order which are defined in RCRA or in regulations promulgated under RCRA shall have the meaning assigned to them under RCRA or in such regulations.

IV. STATEMENT OF PURPOSE

11. In entering into this Order, the mutual objectives of EPA and Respondent are: (1) to perform pursuant to this Order in lieu of the 1989 Order one or more CMSs to identify and evaluate alternatives for any corrective measures (i.e., remedies) necessary to prevent, mitigate, and/or remediate any releases of hazardous wastes or hazardous constituents at or from any Solid Waste Management Units (SWMUs), Areas of Concern (AOCs) and SWMU Management Areas (SMAs) listed in Attachments D and E or identified as "new" pursuant to Section VIII; (2) to implement the remedies approved by EPA for such SWMUs, AOCs and SMAs listed in Attachments D and E or identified as "new" pursuant to Section VIII; (3) to perform any other activities necessary consistent with this Order, including additional work and interim measures (IMs), to the extent necessary to address impacted environmental media to ensure it meets protective criteria or to evaluate actual or potential threats to human health and/or the environment resulting from the release or potential release of hazardous waste or hazardous constituents at or from SWMUs, AOCs and/or SMAs; 4) to implement and maintain, as appropriate, institutional controls required by Section XV. of this Order approved by EPA; and (5) to perform any activities required pursuant to Section VIII of this Order, and to the extent otherwise consistent with this Order. A list of all SMAs is provided in Attachment D, and a list of all SWMUs and AOCs is provided in Attachment E.

12. It is the mutual objective of EPA and Respondent to streamline the process for completing the work required by this Order, and to avoid potentially unnecessary delays caused by inadequate communication, particularly in advance of formal submissions required by Respondent under this Order. To accomplish this objective, the parties will frequently and in good faith communicate orally, in writing, and face-to-face to discuss progress of the Work and upcoming tasks scheduled by Respondent, to address any concern of EPA or the Respondent, to assure EPA is kept current on the Work, and to ensure the successful and timely completion of the requirements of this Order.

V. EPA FINDINGS OF FACT

13. Respondent is a company doing business in the State of Alabama and is a person as defined in Section 1004(15) of RCRA, U.S.C. § 6903(15).

14. References to "Respondent" in the description of the Facility in this Order are to Walter Coke, Inc., as well as to any predecessors which owned or operated the Facility, including

Sloss Industries Corporation. References to "Respondent" in this Order insofar as the obligations to perform the work required by this Order are to Walter Coke, Inc. The Facility is shown in the maps that are attached as Attachment B: Site Map and SMAs 1-5; Figures 1-6 dated 7/24/12 and 8/16/12.

15. On November 19, 1980, the applicable date which rendered facilities subject to interim status requirements or the requirement to have a permit under Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924 and 6925, the Facility achieved interim status as Respondent owned and operated the Facility and certain of its operations thereon qualified as hazardous waste treatment, storage, or disposal within the meaning of RCRA. In its original Part A Hazardous Waste Permit Application, dated November 17, 1980, Respondent identified itself as operating a coke plant, a chemical plant, a blast furnace and a mineral wool plant.

VI. EPA DETERMINATIONS AND CONCLUSIONS OF LAW

16. Based on the foregoing findings of fact and after consideration of the Administrative Record, the Deputy Director of the RCRA Division of EPA Region 4 has made the following conclusions of law and determinations:

a. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and is a "person" as defined in 40 C.F.R. § 260.10.

b. Respondent is the "owner" and "operator" of an interim status Facility that is operating subject to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e).

c. Respondent engaged in the storage of hazardous wastes at the Facility subject to interim status requirements of 40 C.F.R. Part 265.

d. The Facility was subject to interim status requirements or the requirement to have a permit under Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924 and 6925.

e. Certain wastes and constituents thereof found at the Facility are hazardous waste and/or hazardous constituents thereof as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5). These are also hazardous wastes or hazardous constituents within the meaning of Section 3001 of RCRA, 42 U.S.C. § 6921 and 40 C.F.R. Part 261.

f. There is or has been a release of hazardous wastes or hazardous constituents into the environment from the Facility.

g. The actions required by this Order are necessary to protect human health and/or the environment.

VII. WORK TO BE PERFORMED

17. Pursuant to Section 3008(h) of RCRA, the Respondent agrees and is hereby ordered to perform the acts required by this Order. All work undertaken pursuant to this Order shall

be performed in a manner consistent with, at a minimum, RCRA and other applicable federal and state laws, and their implementing regulations, and consistent with all relevant EPA guidance documents as appropriate to the Facility and the work to be performed by Respondent under this Order.

18. To the extent necessary to meet any of the requirements of this Order, all work previously performed and reports previously submitted by Respondent to EPA pursuant to the 1989 Order may be relied upon or referred to by Respondent in submissions to EPA by Respondent. Respondent need not re-submit such completed work or reports.

19. Unless otherwise specified, two (2) complete paper copies and two (2) complete electronic copies in portable document format, of all documents submitted pursuant to this Order, or revisions thereof, shall be hand delivered, sent by certified mail, return receipt requested, or by overnight express mail to the Project Coordinator or to other addresses he/she designates. Electronic copies can be emailed if possible.

VIII. NEW AREAS OF CONCERN AND NEW SWMUS

20. Any SWMUs and/or AOCs that are not identified in Attachment D and/or E, and that otherwise are designated by EPA and discovered after the Effective Date, are "New AOCs" or "New SWMUs". New AOCs or New SWMUs designated by EPA or discovered during the course of environmental sampling, monitoring, field investigations, environmental audits, or other means, shall become part of this Order. As used in this Order, the terms "discover," "discovery," or "discovered," refer to the date on which the Respondent or EPA either: (1) visually observes evidence of a new SWMU or AOC; (2) visually observes evidence of a previously unidentified release of hazardous waste or hazardous constituents to the environment; or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment.

23. Respondent shall notify EPA in writing, within fifteen (15) days of discovery, of any suspected New AOC or New SWMU as discovered under this Section VIII. The notification shall include, at a minimum, the location of the New AOC or New SWMU and all available information pertaining to the nature of the release (e.g., media affected, hazardous waste or constituents released, magnitude of the release, etc.). The notification shall also include whether the New SWMU or New AOC is contained within one of the defined SMAs which previous investigations, the CMS, or the CMI may already address. To the extent necessary to satisfy the Statement of Purpose, the following steps may be undertaken: The EPA may conduct, or require the Respondent to conduct, further assessment (i.e., Confirmatory Sampling) in order to determine the status of the suspected New AOC and/or New SWMU. EPA may also require that Respondent submit an AOC or SWMU Assessment Report (ASAR) for each New AOC and/or New SWMU. Based on the results of the ASAR, the EPA shall determine the need for further investigations of the New AOCs and/or New SWMUs covered in the ASAR.

IX. INTERIM MEASURES

24. The Respondent shall evaluate data as it becomes available and assess the need for interim measures.

25. The Respondent shall report any Imminent and/or Existing Hazard (IEH) from a release of hazardous waste or hazardous constituents that may endanger human health or the environment onsite or beyond the Facility property boundary. Any such information shall be reported orally to the EPA within 24 hours from the time the Respondent becomes aware of the circumstances. This IEH Report shall include, but is not limited to:

    a. Information concerning the release of any hazardous waste or hazardous constituents that may endanger public drinking water supplies; and,
    b. Information concerning the release or discharge of any hazardous waste or hazardous constituents, which could threaten the environment or human health outside the Facility.

26. Pursuant to Paragraph 12. of this Order, the parties may agree that Respondent can implement an Interim Measure (IM) for any IEH, SWMU, AOC, and/or SMA, as appropriate, to eliminate, prevent, or mitigate exposure to human health or the environment at or from the Facility, without the necessity of Respondent preparing and submitting to EPA for approval a Work Plan. If the parties do not agree, and/or EPA determines an IM Work Plan submission and approval process is necessary, the Respondent shall prepare an IM Work Plan and submit it to EPA, for approval, within the time frame specified by EPA. The IM Work Plan is subject to approval by EPA and shall be developed in a manner consistent with the IM Scope of Work at:

    http://www.epa.gov/reg3wcmd/ca/pdf/RCRA_InterimMeasuresTTA.pdf

27. The Respondent shall implement the IM in accordance with the agreement of the Parties or with any EPA required IM Work Plan.

28. The Respondent shall seek approval from the EPA for any planned changes, reductions or additions to the IM and or IM Work Plan prior to implementation (unless to prevent or mitigate an IEH).

X. CORRECTIVE MEASURES STUDY

29. Respondent shall perform and complete a CMS and submit the CMS Report for the SMAs listed in Attachment D according to the schedule contained therein, or as required pursuant to Section VIII or XXII. Respondent shall follow and comply with all of EPA's guidelines and requirements for the performance of a CMS, and be consistent with:

    http://www.epa.gov/reg3wcmd/pdf/chev6.pdf

30. EPA will review the CMS Report and notify Respondent in writing of EPA's approval/disapproval, or modification in accordance with Section XIX: APPROVAL/DISAPPROVAL OF SUBMISSION.

XI. REMEDY SELECTION

31. EPA may select a Remedy Decision from the remedial alternatives evaluated during the CMS and presented in the CMS Report. EPA's selection will be based at a minimum on protection of human health and/or the environment, considering specific site conditions, and existing regulations and EPA guidance. The selected remedy may include any IM implemented to date. EPA shall select the remedy and prepare a Statement of Basis to present the proposed Remedy to the public.

32. EPA will provide the public with an opportunity to review and comment on its selection of the proposed final corrective measure(s), including the detailed written description and justification for its selection in the Statement of Basis. Following the public comment period, EPA will select the final corrective measure(s), and will notify the public and Respondent of the decision and rationale in a written Final Decision and Response to Comments (RTC). The RTC will include EPA's detailed reasons for selecting the corrective measure(s) and for rejecting the other proposed corrective measure(s).

33. Should EPA determine that none of the remedial alternatives evaluated during the CMS and presented in the CMS Report is appropriate as a remedy, EPA shall notify Respondent in writing of such decision, including the reasons. Respondent and EPA shall have thirty (30) days from Respondent's receipt of EPA's written notification to reach an agreement. Subject to Section XX, if Respondent and EPA are unable to reach an agreement, Respondent must revise the CMS Report and/or perform additional corrective measures studies in accordance with EPA's request.

XII. FINANCIAL ASSURANCE

34. Following RTC issuance for each Remedy, the Respondent shall provide cost estimates, and demonstrate financial assurance for completing the approved remedy in accordance with Attachment C. Thereafter, the Respondent shall review the remedy cost estimates, adjust the financial assurance instrument, and submit the revised estimate and instrument to the EPA annually for each remedy.

XIII. CORRECTIVE MEASURES IMPLEMENTATION WORK PLAN

35. Within one hundred twenty (120) days of Respondent's receipt of notification of EPA's selection of the corrective measure(s), Respondent shall submit to the EPA a Corrective Measures Implementation Work Plan (s) ("CMI Work Plan"). Each CMI Work Plan shall include a QA/QC plan as well as a schedule and date for remedy construction completion.

36. Each CMI Work Plan submission is subject to approval by EPA in accordance with Section XIX: APPROVAL/DISAPPROVAL OF SUBMISSION and shall be developed

in a manner consistent with the requirements of RCRA and its directives and implementing regulations as well as the following guidance:

http://www.epa.gov/reg3wcmd/ca/pdf/RCRA_CorrectiveMeasureImpli_sow.pdf

XIV. PUBLIC PARTICIPATION/COMMUNITY ENGAGEMENT

37. Within thirty (30) days of the Effective Date of this Order, Respondent shall submit for approval to EPA a Public Participation/Community Engagement Plan consistent with applicable guidance in the following links:

http://www.epa.gov/oswer/engagementinitiative/related.htm
http://www.epa.gov/wastes/hazard/tsd/permit/pubpart/manual.htm

38. The administrative record supporting this Order and the administrative record in support of any remedy selected pursuant to this Order will be available for public review and maintained by the Respondent at the Facility or at a designated location (i.e., closest library to facility) near the facility, and at the U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303.

XV. INSTITUTIONAL CONTROLS

39. Respondent must consider institutional controls and/or land use restrictions for protection of human health and the environment from contamination left in place at any SMAs, SWMUs or AOCs. Institutional controls and/or land use restrictions may also be used to protect the corrective measures if the order is terminated at the completion of corrective action.

40. A detailed listing of EPA's Institutional Controls may be found at the following EPA website:

http://www.epa.gov/epawaste/hazard/correctiveaction/resources/guidance/ics/matrxrv3.pdf

XVI. COMPLETION OF RCRA CORRECTIVE ACTION

41. The determination of completion of RCRA correction action at the Respondent's Facility shall be made pursuant to EPA's February 13, 2003, Guidance on Completion of Corrective Action Activities at RCRA Facilities, 68 FR 8757-8764.

42. When, upon receipt of the certification, and in consideration of public comments and any other relevant information, the EPA determines that the corrective measures have been completed in accordance with the terms and conditions of this Order and the requirements for completion, the EPA shall terminate this Order. Upon termination of the Order or modification of the Order for completion of corrective action at the entire Facility, EPA shall release the Respondent from the financial assurance requirements of this Order.

XVII. SCHEDULES OF COMPLIANCE

43. Respondent is required to adhere to each of the deadlines and schedules set out in this Order. Respondent may request an extension to any deadline in this Order. Any extension request must be submitted to the EPA project manager for approval within a minimum of fourteen (14) days prior to the deadline. Failure to adhere to any deadline may be considered a violation of this Order.

XVIII. PROJECT COORDINATOR

44. EPA and Respondent have each designated a Project Coordinator as set out below. Each Project Coordinator shall be responsible for overseeing the implementation of this Order and for designating a person to act in his/her absence. The EPA Project Coordinator will be EPA's designated representative for the Facility. To the maximum extent practicable, all communications between Respondent and EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to this Order shall be directed through the Project Coordinators.

45. The parties may change their Project Coordinators, but agree to provide at least ten (10) days written notice prior to changing a Project Coordinator.

a. The EPA Project Coordinator is:

Meredith Anderson, Environmental Engineer
RCRA Corrective Action Section
RCRA and Underground Storage Tank Branch, RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

b. The Facility Project Coordinator is:

Don Wiggins
Manager of Technical Services
Walter Coke, Inc.
3500 35th Avenue North
Birmingham, Alabama 35207

46. The absence of a designated EPA Project Coordinator for overseeing the implementation of this Order shall not be cause for the stoppage of work.

XIX. AGENCY APPROVAL/DISAPPROVAL OF SUBMISSION.

A. EPA APPROVALS

47. EPA will provide Respondent with its written approval, approval with conditions and/or modifications, or disapproval for any submission (or resubmission) requiring such

approval required by this Order. Any disapproval or any approval with conditions and/or modifications shall be consistent with this Order and the Statement of Purpose.

48. In connection with an EPA action under paragraph 47 other than approval of a submission, Respondent shall revise any submission required by this Order in accordance with EPA's written comments within thirty (30) calendar days of Respondent's receipt of EPA's written comments, unless EPA has specified an alternative due date. Revised submittals are also subject to EPA approval, approval with conditions and/or modifications, or disapproval. Any revised submittal that is disapproved or is not approved with conditions and/or modifications is considered noncompliant with the terms of this Order. For purposes of Respondent's submissions, dispute resolution shall apply only to submissions disapproved and revised by the EPA, or that have been disapproved by the EPA, then revised and re-submitted by the Respondent, and again disapproved by the EPA.

49. Subject to Section XX, upon receipt of EPA's written approval, Respondent shall commence work and implement any approved Work Plan in accordance with the schedule and provisions contained therein. If no schedule is contained in an approved Work Plan, then Respondent shall commence work and implementation of the Work Plan within fifteen (15) calendar days of receipt of EPA's written approval of the Work Plan.

50. Subject to Section XX, any EPA-approved or EPA-approved with conditions and/or modifications to any submission required by this order shall be incorporated by reference into this Order as set forth fully herein. Prior to EPA's written approval, no submission required by this Order shall be construed as approved and final. Oral advice, suggestions, or comments given by EPA representatives will not constitute an official approval, nor shall any oral approval or oral assurance of approval be considered binding.

51. Subject to Section XX, noncompliance with any requirement of this Order shall be considered a violation of this Order and shall subject Respondent to the statutory penalty provisions and enforcement actions pursuant to Section 3008(h)(2) of RCRA, 42 U.S.C. § 6928(h), and any other applicable sanctions, including the stipulated penalties provisions agreed to in Section XXVIII Delay in Performance/Stipulated Penalties of this Order.

52. Any changes or modifications proposed by Respondent to the EPA-approved Documents and schedules submitted pursuant to and required by this Order must be approved by EPA prior to implementation.

B. PROGRESS REPORTS

53. Unless otherwise specified in an EPA approved document pursuant to this Order, beginning with the first full month following the effective date of this Order, and through the period that this Order is effective, Respondent shall provide EPA with quarterly progress reports. Progress reports are due by the fifteenth (15) day of the month following the end of the previous quarter. The progress reports for specific deliverables shall conform to requirements in any relevant EPA guidance referenced in this Order.

XX. DISPUTE RESOLUTION

54. The parties shall use their best efforts to informally and in good faith resolve all disputes or differences of opinion. The parties agree that the procedures contained in this Section are the sole procedures for resolving disputes arising under this Order.

55. Notwithstanding any other provision in this Order, in the event the Respondent disagrees in whole or in part with any written decision by EPA, or revision of a submission or disapproval of any revised submission required by the Order, the following may, at the Respondent's discretion apply:

> Any dispute concerning EPA written decisions, or revisions or disapprovals of deliverables required under this Order (including required revisions for, disapprovals of, or approvals with conditions and/or modifications of any deliverable required under this Order), excluding any EPA final agency action, shall be raised to EPA within 15 days after receiving the written decision or comments on the deliverables. Disputes will be resolved as follows: EPA and Respondent shall expeditiously and informally attempt to resolve any disagreements. The Project Coordinators shall first confer in an effort to resolve the dispute. If the Project Coordinators are unable to informally resolve the dispute within 14 days, Respondent shall notify EPA's Chief, Restoration and Underground Storage Tank Branch, RCRA Division, in writing of its objections. The Respondent's written objections shall define the dispute and state the basis of Respondent's objections. EPA and Respondent then have an additional 14 days to reach agreement. If an agreement is not reached within 14 days, Respondent may request a determination by EPA Region 4's RCRA Division Director. The RCRA Division Director's determination is EPA's final decision, and shall be incorporated into and become an enforceable part of this Order to the extent it is otherwise consistent with this Order. If Respondent does not agree to perform or does not actually perform the Work in accordance with EPA's final decision, EPA reserves the right in its sole discretion to conduct the work itself, to seek reimbursement from Respondent, to seek enforcement of this Order on the issue subject to EPA's decision, to seek stipulated penalties, and/or to seek any other appropriate relief. Notwithstanding any other provision of this Order, Respondent retains the right to contest the validity of or assert any defenses it may have with respect to any EPA written decision it claims was taken or made pursuant to this Order, including with respect to any EPA written decision that was subject to the dispute resolution procedure set forth in this Paragraph.

56. If EPA and Respondent reach agreement on a dispute at any stage, the agreement shall be set forth in writing, and shall upon signature of EPA and Respondent, be incorporated into and become an enforceable part of this Order.

57. The existence of a dispute and EPA's consideration of matters placed in dispute shall not excuse, toll, or suspend any compliance obligation or deadline required pursuant to the Order during the pendency of the dispute resolution process except as provided in

Section XXVIII, Delay in Performance/Stipulated Penalties or agreed to by EPA in writing. With the exception of those conditions under dispute, the Respondent shall proceed to take any action required by those portions of the submission and of the Order that the EPA determines are not affected by the dispute. The invocation of dispute resolution does not stay accrual of stipulated penalties under this Order, unless the delay is a result of EPA's failure to timely issue a written resolution of the dispute

XXI. PROPOSED CONTRACTOR/CONSULTANT

58. All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer, hydrologist, geologist, or environmental scientist, with expertise in hazardous waste cleanup. Respondent's contractor or consultant shall have the technical expertise sufficient to adequately perform all aspects of the work for which it is responsible. Within forty-five (45) days of the effective date of this Order, Respondent shall notify the EPA Project Coordinator in writing of the name, title, and qualifications of the engineer, hydrologist, geologist, or environmental scientist and of any contractors or consultants and their personnel to be used in carrying out the terms of this Order. EPA reserves the right to disapprove Respondent's contractor and/or consultant. If EPA disapproves a contractor or consultant, then Respondent must, within forty-five (45) days of receipt from EPA of written notice of disapproval, notify EPA, in writing, of the name, title, and qualifications of any replacement.

59. Respondent shall provide at least ten (10) days written notice prior to changing professional engineer/geologist/hydrologist/environmental scientist or contractor/subcontractor.

XXII. ADDITIONAL WORK

60. EPA may determine or Respondent may propose that certain tasks, including investigatory work, engineering evaluation and design work plan, remediation, procedure/methodology modifications, or community engagement documents are necessary in addition to or in lieu of the tasks included in any EPA approved Work Plan, when such additional work is otherwise consistent with this Order and necessary to meet the purposes set forth in Section IV. Statement of Purpose. If EPA determines that Respondent shall perform additional work, EPA will notify Respondent in writing and specify the basis for its determination that the additional work is necessary. Consistent with Paragraph 12 of this Order, Respondent may confer with EPA to discuss the additional work. If required by EPA, subject to Section XX, Respondent shall submit for EPA approval a Work Plan for the additional work. EPA will specify the contents of such Work Plan. Such Work Plan shall be submitted within sixty (60) days of receipt of EPA's determination that additional work is necessary, or at a later date according to an alternative schedule established by EPA. Upon approval of a Work Plan by EPA, Respondent shall implement it in accordance with the schedule and provisions contained therein.

XXIII. QUALITY ASSURANCE

61. Respondent shall follow EPA guidance for sampling and analysis. Work Plans shall contain quality assurance/quality control ("QA/QC") and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the QA/QC and chain of custody procedures in approved Work Plans must be approved by EPA prior to implementation; must be documented, including reasons for the deviations; and must be reported in the applicable report (e.g., CMS).

62. The name(s), addresses, and telephone numbers of the analytical laboratories Respondent propose to use must be specified in the applicable Work Plan(s).

63. Respondent shall monitor to ensure that high quality data is obtained by its consultant or contract laboratories. All investigation activities shall be done in accordance with the USEPA, Region 4, Science and Ecosystem Support Division's (SESD's) "Field Branches Quality System and Technical Procedures" which is available on the SESD website. The direct link to the website is:

http://www.epa.gov/region4/sesd/fbqstp/

Any RCRA Work Plan submitted pursuant to this Order (e.g., IM, RFI, CMS, CMI) shall include data quality objectives and guidance which can be found in the February 2006 "U.S. EPA Guidance for the Data Quality Objectives Process" available at:

http://www.epa.gov/quality1/qs-docs/g4-final.pdf

and the March 2001 "U.S. EPA Requirements for Quality Assurance Project Plan" (EPA QA/R-5) for achieving the Data Quality Objectives available at:

http://www.epa.gov/QUALITY/qs-docs/r5-final.pdf

Samples are to be collected and analyzed in accordance with EPA publication SW# 846 "Test Methods for Evaluating Solid Waste," 3rd Edition. A National Environmental Laboratory Accreditation Program (NELAP) certified laboratory is to be used to analyze the samples. If methods other than EPA methods are to be used, Respondent shall specify all such protocols in the applicable Work Plan (e.g., CMS). EPA may reject any data that does not meet the requirements of the approved Work Plan or EPA analytical methods and may require re-sampling and additional analysis.

64. Respondent shall ensure that laboratories they use for analyses participate in a quality assurance/quality control program equivalent to that which is followed by EPA. EPA may conduct a performance and quality assurance/quality control audit of the laboratories chosen by Respondent before, during, or after sample analyses. Upon request by EPA, Respondent shall have any such laboratory perform analyses of samples provided by EPA to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or quality assurance/quality control, re-sampling and additional analysis may be required.

XXIV. DATA AND DOCUMENT AVAILABILITY

65. Respondent shall submit (i.e., in hardcopy and in an electronic copy in appropriate standard business format) to EPA upon request the results of all sampling and/or tests or other data generated by divisions, agents, consultants, or contractors pursuant to this Order.

66. Notwithstanding any other provisions of this Order, the United States retains all of its information gathering and inspection authorities and rights, including the right to bring enforcement actions related thereto, under RCRA, CERCLA, and any other applicable statutes or regulations.

67. Respondent shall notify EPA in writing at least ten (10) days before engaging in any field activities and/or corrective measures, such as well sampling, installation of equipment, and/or sampling. If Respondent believes it must commence emergency field activities without delay, Respondent may seek emergency telephone authorization from the EPA Project Coordinator or, if the EPA Project Coordinator is unavailable, his/her management, to commence such activities immediately. At the request of EPA, Respondent shall provide or allow EPA or its authorized representative to take split or duplicate samples of all samples collected by Respondent pursuant to this Order. Similarly, at the request of Respondent, EPA shall allow Respondent or its authorized representative(s) to take split or duplicate samples of all samples collected by EPA under this Order.

68. Respondent may assert a business confidentiality claim covering all or part of any information submitted to EPA pursuant to this Order. Any assertion of confidentiality must be accompanied by information that satisfies the items listed in 40 C.F.R. § 2.20(e)(4) or such claim shall be deemed waived. Information determined by EPA to be confidential shall be disclosed only to the extent permitted by 40 C.F.R. Part 2. If no such confidentiality claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to Respondent. Respondent agrees not to assert any confidentiality claim with regard to any physical or analytical data.

XXV. ACCESS

69. EPA, its contractors, employees, and/or any duly designated EPA representatives are authorized to enter and freely move about the Facility accompanied by Respondent's representative pursuant to this Order for the purposes of, inter alia: interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts related to the Facility; reviewing the progress of Respondent in carrying out the terms of this Order; conducting such tests, sampling, or monitoring as EPA deems necessary for purposes of this Order; using a camera, sound recording, or other documentary type equipment for purposes of this Order, and verifying the reports and data submitted to EPA by Respondent. EPA agrees to provide Respondent with copies of any such tests, sampling, or monitoring, including photographs, sound recordings or other documentary type equipment. Furthermore, upon Respondent's request, EPA shall provide Respondent the

opportunity to receive a split of any sample taken by EPA for purposes of this Order. Respondent agrees to provide EPA and its representatives access at all reasonable times to the Facility and subject to the next Paragraph below, to any other property to which access is required for implementation of this Order. Subject to Paragraph 68, Respondent shall permit such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order and that are within the possession or under the control of Respondent or their contractors or consultants, excluding any attorney-client privileged or attorney work product privileged documents.

70. To the extent that work being performed pursuant to this Order must be done beyond the Facility property boundary, Respondent shall use its best efforts to obtain access agreements necessary to complete work required by this Order from the present owner(s) of such property within thirty (30) days of approval of any Work Plan for which access is required. Best efforts, as used in this Paragraph shall include, at a minimum, a certified letter from Respondent to the present owner(s) of such property requesting access agreement(s) to permit Respondent and its authorized representatives to access such property, and as necessary and appropriate the payment of reasonable compensation in consideration of granting access. Any such access agreement shall provide for access by EPA and its representatives. Respondent shall insure that EPA's Project Coordinator has a copy of any access agreement(s). In the event that agreements for access are not obtained within thirty (30) days of approval of any Work Plan for which access is required, or of the date that the need for access became known to Respondent, Respondent shall notify EPA in writing within fourteen (14) days thereafter of both the efforts undertaken to obtain access and the failure to obtain access agreements. EPA may, at its discretion, assist Respondent in obtaining access. In the event EPA obtains access, Respondent shall undertake EPA- approved work on such property.

71. The Respondent agrees to indemnify the United States to the extent provided in Section XXXIII. INDEMNIFICATION OF THE UNITED STATES GOVERNMENT, for any and all claims arising from activities on such property.

72. Nothing in this section limits or otherwise affects EPA's right of access and entry pursuant to applicable law, including RCRA and CERCLA.

73. Nothing in this section shall be construed to limit or otherwise affect Respondent's liability and obligation, if any, to perform corrective action including corrective action beyond the Facility boundary. In case of transfer or lease of any portion of the Facility, Respondent shall retain a right of access to the extent required to fully implement the terms of this Order.

XXVI. RECORD PRESERVATION

74. Respondent shall retain, during the pendency of this Order and for a minimum of six (6) years after its termination, all data, records, and documents now in its possession or control or which come into its possession or control which relate in any way to this Order. Respondent shall notify EPA in writing ninety (90) days prior to the destruction of any

such records, and shall provide EPA with the opportunity to take possession of any such records, including those over which a CBI claim has been made pursuant to Paragraph 68, but excluding any attorney-client privileged or attorney work product privileged documents. Such written notification shall reference the effective date, caption, and docket number of this Order and shall be addressed to:

EPA Project Coordinator
RCRA Corrective Action Section
Restoration and Underground Storage Tank Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

75. Respondent agrees that within thirty (30) days of retaining or employing any agent, consultant, or contractor for the purpose of carrying out the terms of this Order, Respondent will enter into an agreement with any such agents, consultants, and/or contractors whereby such agents, consultants, and/or contractors will be required to provide the Respondent a copy of all documents produced pursuant to this Order.

76. All documents required under this Order shall be stored by the Respondent in a centralized location to afford ease of access by EPA or its representatives.

XXVII. NOTIFICATION AND DOCUMENT CERTIFICATION

77. Unless otherwise specified, all reports, correspondence, approvals, disapprovals, notices, or other submittals relating to or required under this Order shall be in writing and shall be hand delivered, sent by certified mail, return receipt requested, or by overnight express mail as follows:

a. Two hardcopies and one electronic copy on a disk and by email in an appropriate standard business format, of all documents to be submitted to the EPA shall be sent to the:

Project Coordinator
RCRA Corrective Action Section
Restoration and Underground Storage Tank Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

b. One electronic copy on a disk and email in an appropriate standard business format to:

Chief,
RCRA Corrective Action Section

Restoration and Underground Storage Tank Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303.

c. One hardcopy and one electronic copy on a disk and email in an appropriate standard business format, of all documents to be submitted to ADEM shall be sent to:

Chief, Engineering Services Section
Industrial Hazardous Waste Branch
Land Division
Alabama Dept. of Environmental Mgmt.
1400 Coliseum Blvd.
Montgomery, AL 36110

d. Documents to be submitted to Respondent shall be sent to:

President ~~& COO~~ 4/12/12
Walter Coke
3500 35th Avenue North
P.O. Box 5327
Birmingham, Alabama 35207

and

Dan Grucza
Vice President & Sr. Counsel – Environmental
Walter Energy, Inc.
3000 Riverchase Galleria
Suite 1700
Birmingham, Alabama 35244

78. Any report or other document submitted by a Respondent pursuant to this Order which makes any representation concerning the Respondent's compliance or noncompliance with any requirement of this Order shall be certified by a responsible corporate officer of the Respondent or a duly authorized representative. A responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

79. The certification required by Paragraph 78 above, shall be in the following form:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to evaluate the information submitted. I certify that to the best of my knowledge and belief the information

contained in or accompanying this submittal is true, accurate, and complete. As to those identified portion(s) of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those directly responsible for gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature:
Name:
Title:
Date:

XXVIII. DELAY IN PERFORMANCE/STIPULATED PENALTIES

80. Unless there has been a written modification by EPA of a compliance date, a written modification by EPA of an approved Work Plan condition, or excusable delay as defined in Section XXIX: Force Majeure and Excusable Delay, if Respondent fails to comply with any term or condition set forth in this Order in the time or manner specified herein, EPA may, by written demand, direct Respondent to pay stipulated penalties as set forth below.

a. For failure to commence, perform, and/or complete field work in a manner acceptable to EPA or at the time required pursuant to this Order: $1,500.00 per day for the first ten business days of such violation, $2,000.00 per day for the eleventh through twenty-first business day of such violation, and $2,500.00 per day for each business day of such violation thereafter

b. For failure to complete and submit, other written submittals not included in Paragraph 80 (a) of this section in a manner acceptable to EPA or at the time required pursuant to this Order: $1,000.00 per day for the first ten business days of such violation, $1,500.00 per day for the eleventh through twenty-first business day of such-violation, and $2,000.00 per day for each business day of such violation thereafter;

c. For failure to comply with any other provisions of this Order in a manner acceptable to EPA: $1,000.00 per day for the first ten business days of such violation, $1,500.00 per day for the eleventh through twenty-first business day of such violation, and $2,000.00 per day for each business day of such violation thereafter.

81. Penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs, and shall continue to accrue through the day of correction of the

violation. Nothing herein shall prevent the simultaneous accrual of separate stipulated penalties for separate violations of this Order. Penalties shall continue to accrue regardless of whether EPA has notified the Respondent of a violation.

82. All penalties owed to the United States under this Section shall be due and payable within thirty (30) days of the Respondent's receipt from EPA of a written demand for payment of the penalties, unless Respondent invokes the dispute resolution procedures under Section XX: Dispute Resolution. Such a written demand will describe the violation and will indicate the amount of penalties due.

83. Interest shall begin to accrue on any unpaid stipulated penalty balance beginning on the thirty-first day after Respondent's receipt of EPA's demand letter. Interest shall accrue at the Current Value of Funds Rate established by the Secretary of the Treasury. Pursuant to 31 U.S.C. § 3717, an additional penalty of 1% per annum on any unpaid principal shall be assessed for any stipulated penalty payment which is overdue for ninety (90) or more days.

84. All penalties shall be made by cashier's check or certified check payable to: **"Treasurer, United States of America"** or by one of the other payment options set out below: The Facility name and the docket number for this matter shall be referenced on the face of the check or noted if possible on the other payment options. The payment options are:

a. Check Payment By U.S. Postal Service:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197

b. Check Payment By Overnight Commercial Delivery Service:

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

c. Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street

New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency

d. Automated Clearinghouse (ACH) for receiving US currency (also known as REX or remittance express):

PNC Bank
US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street, N.W.
Washington, DC 20074
Contact: Jesse White, (301) 887-6548

e. On line payment:

There is now an On Line Payment Option, available through the Dept. of Treasury. This payment option can be accessed from the information below:

www.pay.gov
Enter sfo 1.1 in the search field

Open form and complete required fields.

85. Respondent shall submit a copy of the payment or a copy of the confirmation of the payment to the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

and to:

Chief, South Section
Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

86. Copies of all such checks and letters forwarding the checks shall be sent simultaneously to the EPA Project Coordinator.

87. Respondent may dispute EPA's assessment of stipulated penalties by invoking the dispute resolution procedures under Section XX: DISPUTE RESOLUTION. The stipulated penalties in dispute shall continue to accrue, but need not be paid, during the dispute resolution period. Respondent shall pay stipulated penalties and interest, if any, in accordance with the dispute resolution decision and/or agreement. Respondent shall submit such payment to EPA within ten (10) business days of receipt of such resolution in accordance with Paragraph 84 of this Section.

Neither the invocation of dispute resolution nor the payment of penalties shall alter in any way the Respondent's obligation to comply with the terms and conditions of this Order. The stipulated penalties set forth in this section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the terms and conditions of this Order. EPA may waive any portion of the stipulated penalties that have accrued pursuant to this Order.

88. No payments under this section shall be tax deductible for federal tax purposes.

XXIX. FORCE MAJEURE AND EXCUSABLE DELAY

89. Force majeure, for purposes of this Order, is defined as any event arising from causes not foreseen and beyond the control of Respondent or any person or entity controlled by Respondent, including but not limited to Respondent's contractors that delays or prevents the timely performance of any obligation under this Order despite Respondent's best efforts to fulfill such obligation. The requirement that Respondent exercise "best efforts to fulfill such obligation" shall include, but not be limited to, best efforts to anticipate any potential force majeure event and address it before, during, and after its occurrence, such that any delay or prevention of performance is minimized to the greatest extent possible. Force majeure does not include increased costs of the work to be performed under this Order, or financial inability to complete the work.

90. If any event occurs or has occurred that may delay the performance of any obligation under this Order, whether or not caused by a force majeure event, Respondent shall contact by telephone and communicate orally with EPA's Project Coordinator or, in his or her absence, his or her supervisor or second level manager or, in the event both of EPA's designated representatives are unavailable, the Deputy Director of the RCRA Division, EPA Region 4, within forty-eight (48) hours of when Respondent first knew or should have known that the event might cause a delay. Within five (5) days thereafter, Respondent shall provide to EPA in writing the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; all other obligations affected by the force majeure event, and what measures, if any, taken or to be taken to minimize the effect of the event on those obligations; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Respondent's rationale for attributing such delay to a force majeure event if they intend to assert such a claim; and a statement as to whether, in the opinion of Respondent, such event may cause or contribute to an endangerment to public health, welfare or the environment. Respondent shall include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure. Failure to comply

with the above requirements shall preclude Respondent from asserting any claim of force majeure for that event. Respondent shall be deemed to have notice of any circumstances of which its contractors had or should have had notice.

91. If EPA determines that the delay or anticipated delay is attributable to a force majeure event, the time for performance of such obligation under this Order that is affected by the force majeure event will be extended by EPA for such time as EPA determines is necessary to complete such obligation. An extension of the time for performance of such obligation affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation, unless Respondent can demonstrate that more than one obligation was affected by the force majeure event. If EPA determines that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify Respondent in writing of the length of the extension, if any, for performance of such obligations affected by the force majeure event.

92. If EPA disagrees with Respondent's assertion of a force majeure event, EPA will notify the Respondent in writing and the Respondent may elect to invoke the dispute resolution provision, and shall follow the time-frames set forth in Section XX. Dispute Resolution. In any such proceeding, Respondent shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondent complied with the requirements of this Section. If Respondent satisfies this burden, the time for performance of such obligation will be extended by EPA for such time as is necessary to complete such obligation.

XXX. RESERVATION OF RIGHTS

93. EPA reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this Order, including without limitation the assessment of penalties under Section 3008(h)(2) of RCRA, 42 U.S.C. § 6928(h)(2). This Order shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, and/or authorities, civil or criminal, which EPA has under RCRA, CERCLA, or any other statutory, regulatory, or common law authority of the United States.

94. EPA reserves the right to disapprove of work performed by Respondent pursuant to this Order to the extent that such work does not satisfy the requirements of the Order and, in such event, to order that Respondent perform additional tasks consistent with this Order.

95. EPA reserves any right it may have to perform any portion of the work consented to herein or any additional site characterization, feasibility study, and remedial work as it deems necessary to protect human health and/or the environment. EPA may exercise its authority under CERCLA to undertake response actions at any time. In any event, EPA reserves its right to seek reimbursement from Respondent for costs incurred by the United States. Notwithstanding compliance with the terms of this Order, Respondent is not

released from liability, if any, for the costs of any response actions taken or authorized by EPA.

96. If EPA determines that activities in compliance or noncompliance with this Order have caused or may cause a release of hazardous waste or hazardous constituent(s), or a threat to human health and/or the environment, or that Respondent is not capable of undertaking any of the work ordered, EPA may order the Respondent to stop further implementation of this Order for such period of time as EPA determines may be needed to abate any such release or threat and/or to undertake any action which EPA determines is necessary to abate such release or threat.

97. This Order is not intended to be nor shall it be construed to be a permit. Further, the parties acknowledge and agree that EPA's approval of any final Work Plan does not constitute a warranty or representation that the Work Plan will achieve the required cleanup or performance standards. Compliance by the Respondent with the terms of this Order shall not relieve the Respondent of its obligation to comply with RCRA or any other applicable local, State, or Federal laws and regulations.

98. The Respondent does not admit any of the factual or legal determinations made by the EPA and reserves all rights and defenses it may have regarding liability or responsibility for conditions at or from the Facility, with the exception of its right to contest EPA's jurisdiction to issue or enforce this Order and its right to contest the terms of this Order. The Respondent has entered into this Order in good faith without trial or adjudication of any issue of fact or law.

99. Notwithstanding any other provision of this Order, no action or decision by EPA pursuant to this Order, including without limitation, decisions of the EPA, the Director or Deputy Director of the RCRA Division, or any authorized representative of EPA, shall constitute final agency action giving rise to any right of judicial review prior to EPA's initiation of a judicial action to enforce this Order, including an action for penalties or an action to compel Respondent's compliance with the terms and conditions of this Order.

100. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive or other appropriate relief relating to the Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised by the United States in the subsequent proceeding were or should have been raised in the present matter.

XXXI. OTHER CLAIMS

101. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action, demand, or defense in law or equity, against any person, firm, partnership, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken or migrating from the Facility.

XXXII. OTHER APPLICABLE LAWS

102. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, State, and Federal laws and regulations. Respondent shall obtain or cause their representatives to obtain all permits and approvals necessary under such laws and regulations.

XXXIII. INDEMNIFICATION OF THE UNITED STATES GOVERNMENT

103. Respondent agrees to indemnify and save and hold harmless the United States Government, its agencies, departments, agents, and employees, from any and all claims or causes of action arising [solely] from or on account of acts or omissions of Respondent or its officers, employees, agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this Order. This indemnification shall not be construed in any way as affecting or limiting the rights or obligations of Respondent or the United States under their various contracts. Respondent shall not be responsible for indemnifying the EPA for claims or causes of action solely from or on account of acts or omissions of EPA.

XXXIV. MODIFICATION

104. This Order may only be modified by mutual agreement of EPA and Respondent. Any agreed modifications shall be in writing, be signed by both parties, shall have as their effective date the date on which they are signed by EPA, and shall be incorporated into this Order.

105. Any requests for a compliance date modification or revision of an approved Work Plan requirement must be made in writing. Such requests must be timely and provide justification for any proposed compliance date modification or Work Plan revision. EPA has no obligation to approve such requests, but if it does so, such approval must be in writing. Any approved compliance date or Work Plan modification shall be incorporated by reference into the Order.

XXXV. SEVERABILITY

106. If any provision or authority of this Order or the application of this Order to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in force and shall not be affected thereby.

XXXVI. TERMINATION AND SATISFACTION

107. The provisions of this Order shall be deemed satisfied upon Respondent's and EPA's execution of an "Acknowledgment of Termination and Agreement to Record Preservation and Reservation of Rights" ("Acknowledgment"). EPA will prepare the Acknowledgment for Respondent's signature. The Acknowledgment will specify that Respondent has

demonstrated to the satisfaction of EPA that the terms of this Order, including any additional tasks determined by EPA to be required pursuant to this Order, have been satisfactorily completed. Respondent's execution of the Acknowledgement will affirm Respondent's continuing obligation (1) to preserve all records as required under the Order and (2) to recognize EPA's reservation of rights in accordance with these respective sections of the Order after the rest of the Order is satisfactorily completed.

XXXVII. SURVIVABILITY/PERMIT INTEGRATION

108. Except as otherwise expressly provided in this section, this Order shall survive the issuance or denial of a RCRA permit for the Facility, and this Order shall continue in full force and effect after either the issuance or denial of such permit. Accordingly, the Respondent shall continue to be liable for the performance of obligations under this Order notwithstanding the issuance or denial of such permit. If the Facility is issued a RCRA permit and that permit expressly incorporates all or a part of the requirements of this Order, or expressly states that its requirements are intended to replace some or all of the requirements of this Order, Respondent may request a modification of this Order and shall, with EPA approval, be relieved of liability under this Order for those specific obligations.

XXXVIII. EFFECTIVE DATE

109. The effective date of this Order shall be five (5) days after Respondent has received notice from EPA that EPA has signed the Order.

AGREED AND CONSENTED TO:

Walter Coke, Inc.

By: Carol W. Farrell Dated: September 12, 2012
Name: Carol W. Farrell (Typed or Printed)
Title: President (Typed or Printed)

U.S. Environmental Protection Agency

By: _____ Dated: September 17, 2012

Jeffrey T. Pallas
Acting Deputy Director
RCRA Division
US EPA, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-3104

Attachment A: DEFINITIONS & TERMS

Unless otherwise expressly provided herein or listed below, terms used in this Order which are defined in RCRA or in regulations promulgated under RCRA shall have the meaning assigned to them under RCRA or in such regulations.

a) "Administrative Record" shall mean the record compiled and maintained by EPA relative to this Order. For information on the contents of the Administrative Record see "Guidance on Administrative Records for RCRA 3008(h) Actions," OSWER Directive 9940.4, July 6, 1989.

b) An "Area of Concern" (AOC) includes any discrete contiguous area that is not a SWMU and has a probable release of hazardous waste or hazardous constituents that is determined by the EPA to pose a current or potential threat to human health or the environment.

c) "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601, et seq.

d) The terms "Comply" or "Compliance" may be used interchangeably and shall mean performance of work required by this Order of a quality approvable by EPA, and in the manner and the time specified in this Order or any modification thereof or its attachments or any modification thereof. Respondent must meet both the quality and timeliness components of a particular requirement to be considered in compliance with the terms and conditions of this Order.

e) "Contractor" shall include any subcontractor, consultant or laboratory retained to conduct or monitor any portion of the work performed pursuant to this Order.

f) "Confirmatory Sampling" shall mean environmental sampling and analysis to confirm that hazardous waste or hazardous constituents have been released into the environment from SWMUs or AOCs at the Facility. Confirmatory Sampling may result in a determination of no further action.

g) "Day" shall mean a calendar day unless expressly stated to be a business day.

h) "Business Day" shall mean a day other than a Saturday, Sunday, or Federal Holiday. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or Federal Holiday, the period shall run until the end of the next business day.

i) "EPA" or "U.S. EPA" shall mean the United States Environmental Protection Agency, and any successor departments or agencies of the United States.

j) "Extent of Contamination" is defined as the horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being

investigated are above detection limits or background concentrations indicative of the region, whichever is appropriate as determined by the EPA.

k) "Facility" shall mean the Walter Coke, Inc. facility located at 3500 35th Avenue North, Birmingham, Alabama 33618.

l) "Hazardous Constituents" shall include mean those constituents contained within hazardous and nonhazardous solid waste that are listed in Appendix VIII of 40 C.F.R. Part 261 or in Appendix IX of 40 C.F.R. Part 264.

m) "Interim Measures" for the purpose of this Order interim measures are actions necessary to minimize or prevent the further migration of contaminants subject to regulation under RCRA and limit actual or potential human and environmental exposure to contaminants subject to regulation under RCRA while long-term corrective action remedies are evaluated and, if necessary, implemented.

n) "Institutional Controls and/or Land Use Restrictions" for the purpose of this Order are legal instruments that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy.

o) "RCRA" shall mean the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §§ 6921 et. seq.

p) "Receptors" shall mean those humans, animals, or plants and their habitats affected by releases subject to regulation under RCRA from the Facility.

q) "Release" for purposes of this Order shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste or hazardous constituents that is subject to regulation under RCRA.

r) A "Remedy" for the purposes of this Order, is selected actions or measures to be implemented to prevent, mitigate, and/or remediate any release of hazardous waste or hazardous constituents at or from the Facility regardless of whether the action or measure must be undertaken on the Respondent's property or on adjacent properties impacted by hazardous wastes or hazardous constituents from the Facility.

s) "Scope of Work" shall mean the outline of work that the Respondent must use to develop all Work Plans and reports required by this Order. All Scopes of Work and modifications or amendments thereto are incorporated by reference and are an enforceable part of this Order.

t) "Site" shall mean the facility, as defined herein

v) "SWMU Management Area" (SMA) means areas of SWMUs or AOCs with similar exposures, chemical drivers, and proposed remedial actions.

w) "Solid Waste Management Unit" (SWMU) for the purpose of this Order means any unit which has been used for the treatment, storage or disposal of a solid waste at any time, irrespective of whether the unit is or ever was intended for the management of solid wastes. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous waste or hazardous constituents, excluding, for example, one-time accidental spills that are immediately remediated and cannot be linked to solid waste management activities (e.g., product or process spills).

x) "State" shall mean the State of Alabama.

y) "Submittal" shall mean any written document that Respondent is required by this Order to send to EPA.

z) "United States" shall mean the United States of America and each department, agency, and instrumentality of the United States, including EPA.

aa) "Waste Material" shall mean (a) any hazardous substance under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under Section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any "solid waste" under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27); and (d) any hazardous waste under Alabama Code Section 22-30-3(5).

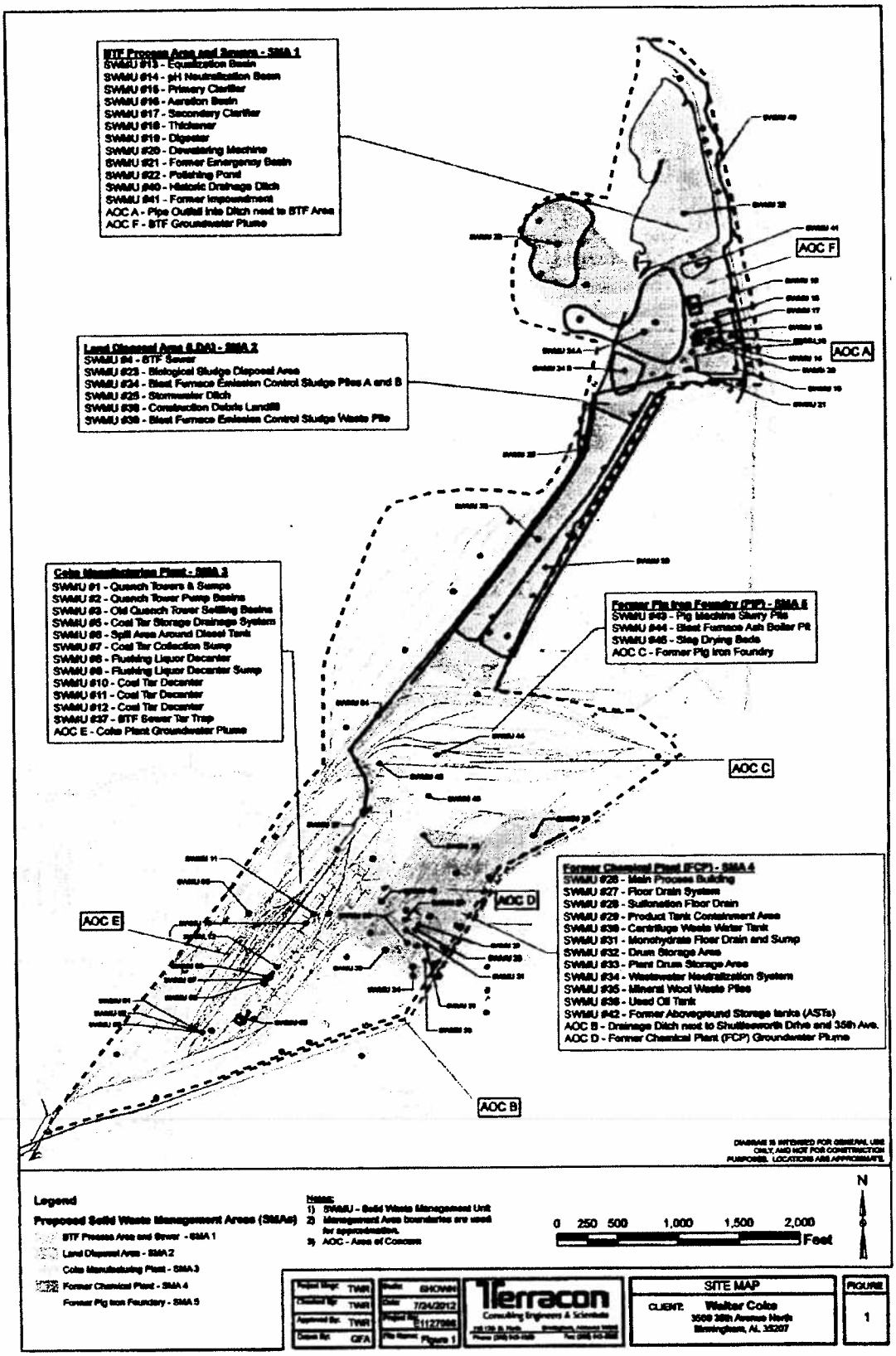
bb) "Work" or "Obligation" shall mean any activity Respondent must perform to comply with the requirements of this Order and its attachments.

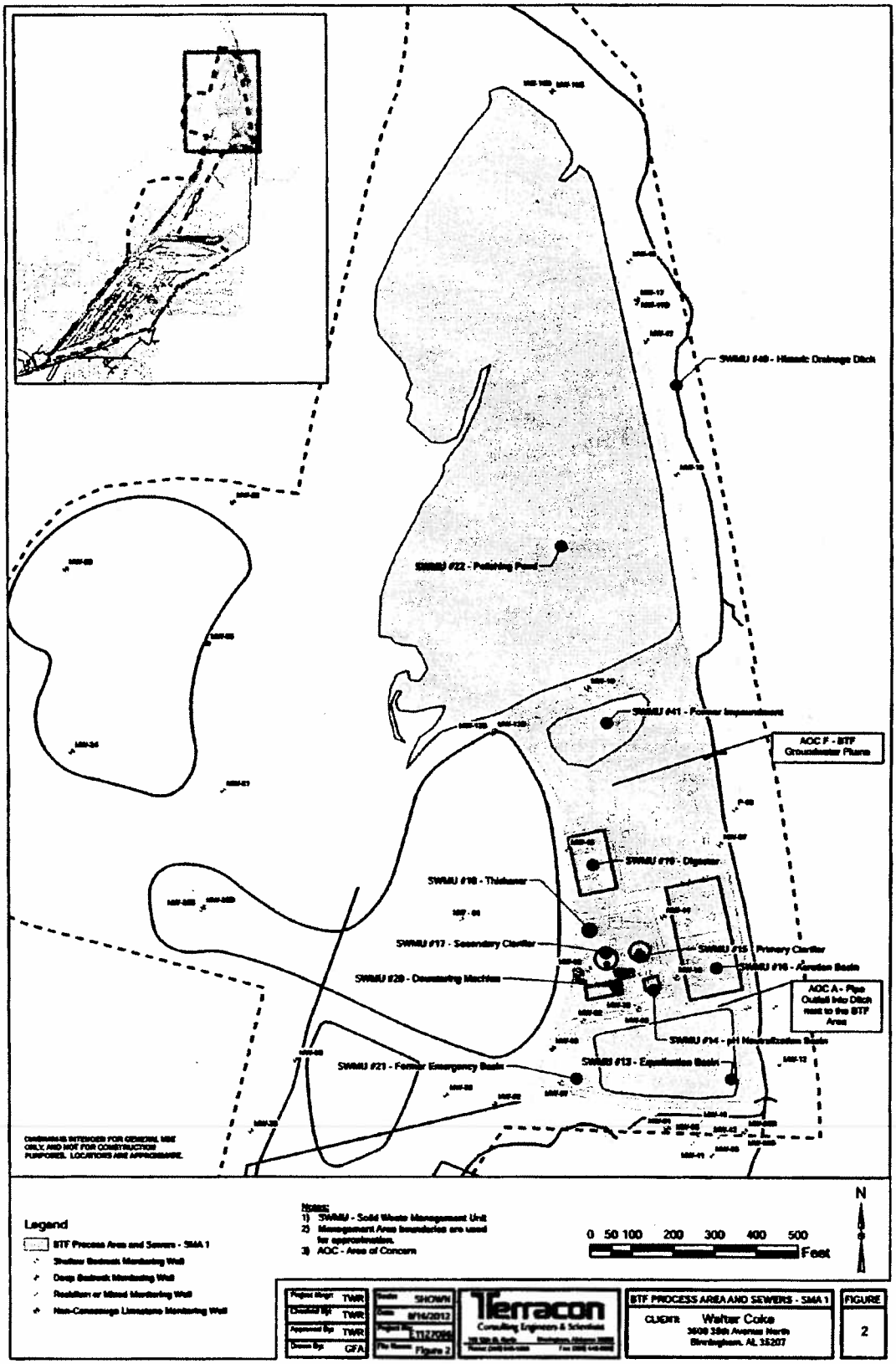
Attachment B:

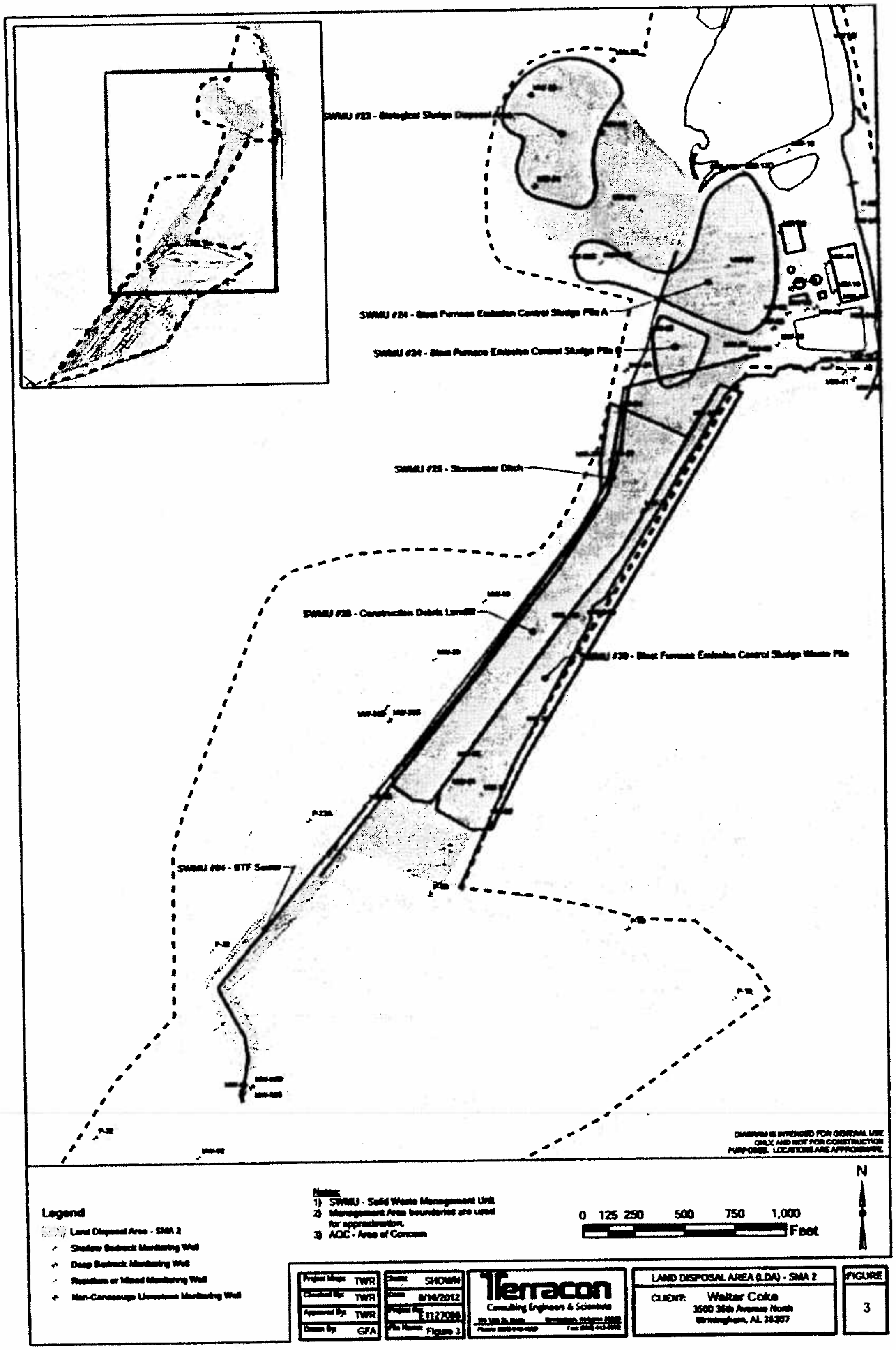
(For electronic version, Maps in PDF format are separately attached but incorporated as Attachment B into the Order)

MAPs prepared by Terracon for the
Walter Coke Facility
Birmingham, Alabama
Project No. E1127096
Figures 1-6
Entitled in the Legend:

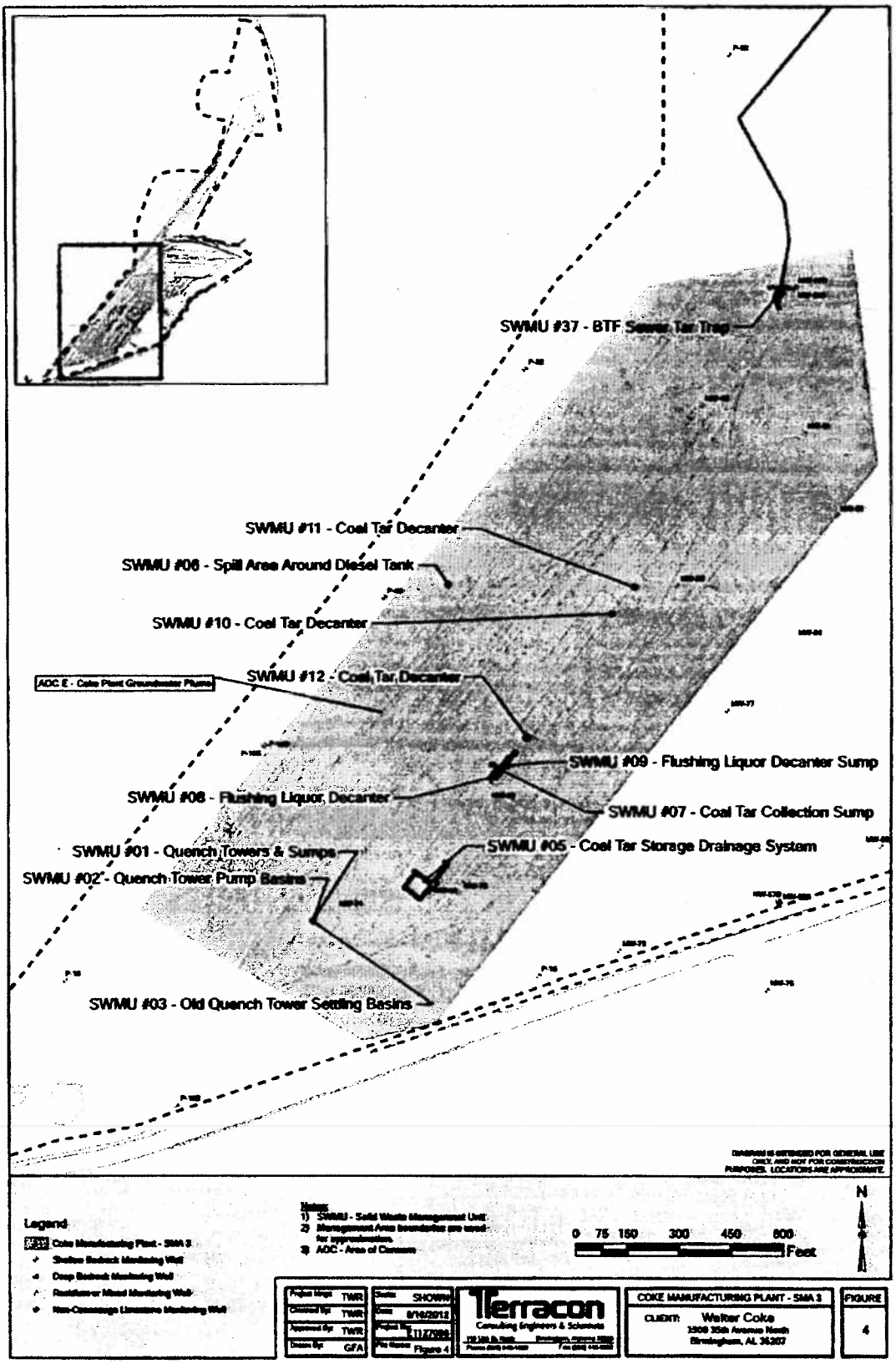
Figure 1: Proposed Solid Waste Management Areas (SMAs) dated 7/24/2012
Figure 2: BTF Process Area and Sewers - SMA 1 dated 8/16/2012
Figure 3: Land Disposal Area - SMA 2 dated 8/16/2012
Figure 4: Coke Manufacturing Plant - SMA 3 dated 8/16/2012
Figure 5: Former Chemical Plant - SMA 4 dated 8/16/2012
Figure 6: Former Pig Iron Foundry - SMA 5 dated 8/16/2012

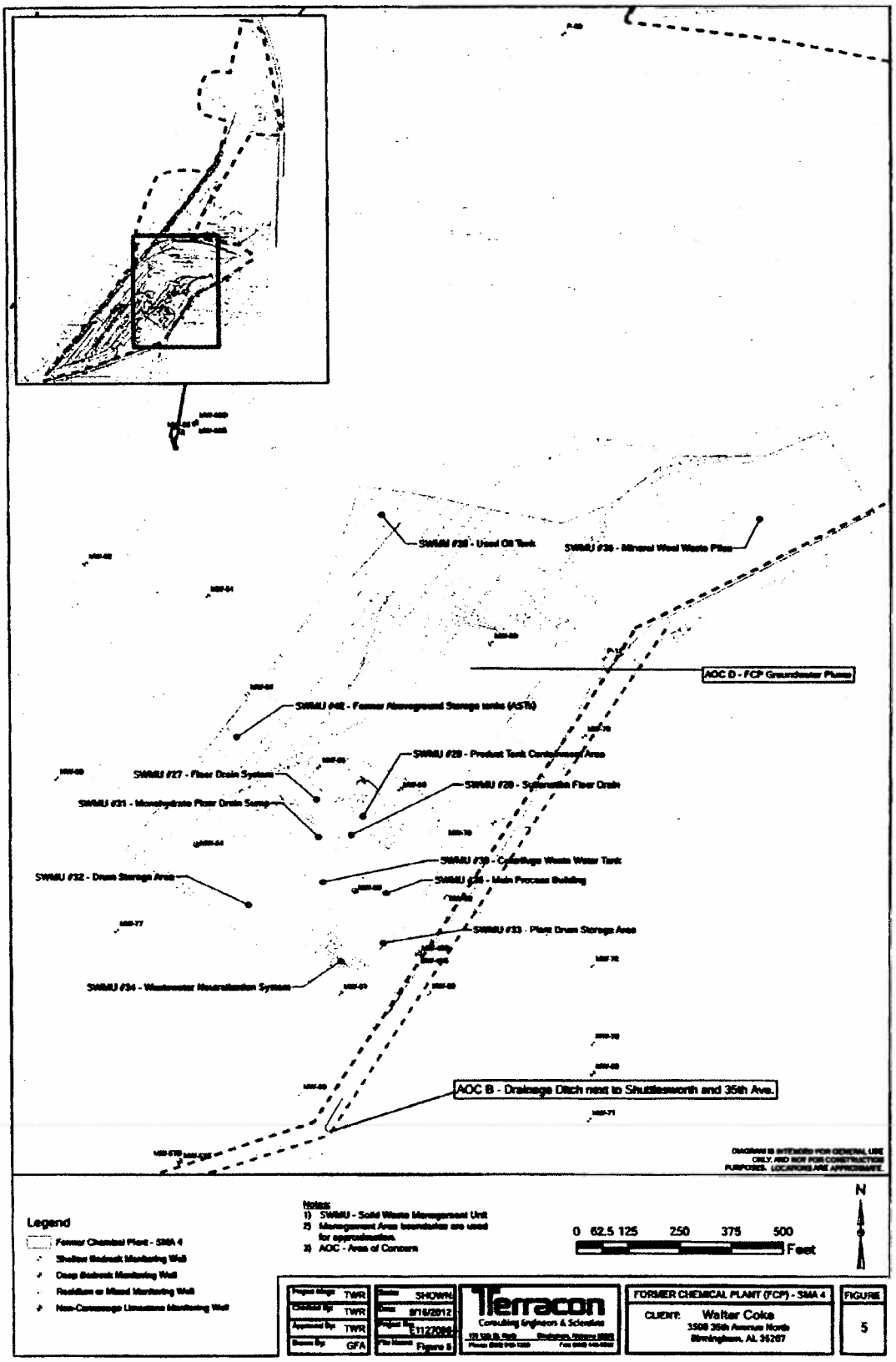

BTF Process Area and Sewers - SMA 1
SWMU #13 - Equalization Basin
SWMU #14 - pH Neutralization Basin
SWMU #15 - Primary Clarifier
SWMU #16 - Aeration Basin
SWMU #17 - Secondary Clarifier
SWMU #18 - Thickener
SWMU #19 - Digester
SWMU #20 - Dewatering Machine
SWMU #21 - Former Emergency Basin
SWMU #22 - Polishing Pond
SWMU #40 - Historic Drainage Ditch
SWMU #41 - Former Impoundment
AOC A - Pipe Outfall into Ditch next to BTF Area
AOC F - BTF Groundwater Plume
Land Disposal Area & DA1 - SMA 2
SWMU #4 - BTF Sewer
SWMU #23 - Biological Sludge Disposal Area
SWMU #34 - Blast Furnace Emission Control Sludge Piles A and B
SWMU #35 - Stormwater Ditch
SWMU #36 - Construction Debris Landfill
SWMU #38 - Blast Furnace Emission Control Sludge Waste Pile
Coke Manufacturing Plant - SMA 3
SWMU #1 - Quench Towers & Sumps
SWMU #2 - Quench Tower Pump Basins
SWMU #3 - Old Quench Tower Settling Basins
SWMU #5 - Coal Tar Storage Drainage System
SWMU #6 - Spill Area Around Diesel Tank
SWMU #7 - Coal Tar Collection Sump
SWMU #8 - Flushing Liquor Decanter
SWMU #9 - Flushing Liquor Decanter Sump
SWMU #10 - Coal Tar Decanter
SWMU #11 - Coal Tar Decanter
SWMU #12 - Coal Tar Decanter
SWMU #37 - BTF Sewer Tar Trap
AOC E - Coke Plant Groundwater Plume
Former Pig Iron Foundry (FPF) - SMA 5
SWMU #43 - Pig Machine Slurry Pits
SWMU #44 - Blast Furnace Ash Boiler Pit
SWMU #45 - Slag Drying Beds
AOC C - Former Pig Iron Foundry
Former Chemical Plant (FCP) - SMA 4
SWMU #26 - Main Process Building
SWMU #27 - Floor Drain System
SWMU #28 - Sulfonation Floor Drain
SWMU #29 - Product Tank Containment Area
SWMU #30 - Centrifuge Waste Water Tank
SWMU #31 - Monohydrate Floor Drain and Sump
SWMU #32 - Drum Storage Area
SWMU #33 - Plant Drum Storage Area
SWMU #34 - Wastewater Neutralization System
SWMU #35 - Mineral Wool Waste Piles
SWMU #39 - Used Oil Tank
SWMU #42 - Former Aboveground Storage tanks (ASTs)
AOC B - Drainage Ditch next to Shuttlesworth Drive and 35th Ave.
AOC D - Former Chemical Plant (FCP) Groundwater Plume
AOC A
AOC B
AOC C
AOC D
AOC E
AOC F
DRAWING IS INTENDED FOR GENERAL USE ONLY AND NOT FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE.
Legend
Proposed Solid Waste Management Areas (SMAs)
BTF Process Area and Sewer - SMA 1
Land Disposal Area - SMA 2
Coke Manufacturing Plant - SMA 3
Former Chemical Plant - SMA 4
Former Pig Iron Foundry - SMA 5
Notes:
1) SWMU - Solid Waste Management Unit
2) Management Area boundaries are used for approximation.
3) AOC - Area of Concern
0 250 500 1,000 1,500 2,000
Feet
N
Project Mngr. TWR
Checked By TWR
Approved By TWR
Drawn By GFA
Scale SHOWN
Date 7/24/2012
Project No. 51127988
File Name Figure 1
Terracon
Consulting Engineers & Scientists
SITE MAP
CLIENT: Walter Coke
3500 35th Avenue North
Birmingham, AL 35207
FIGURE
1

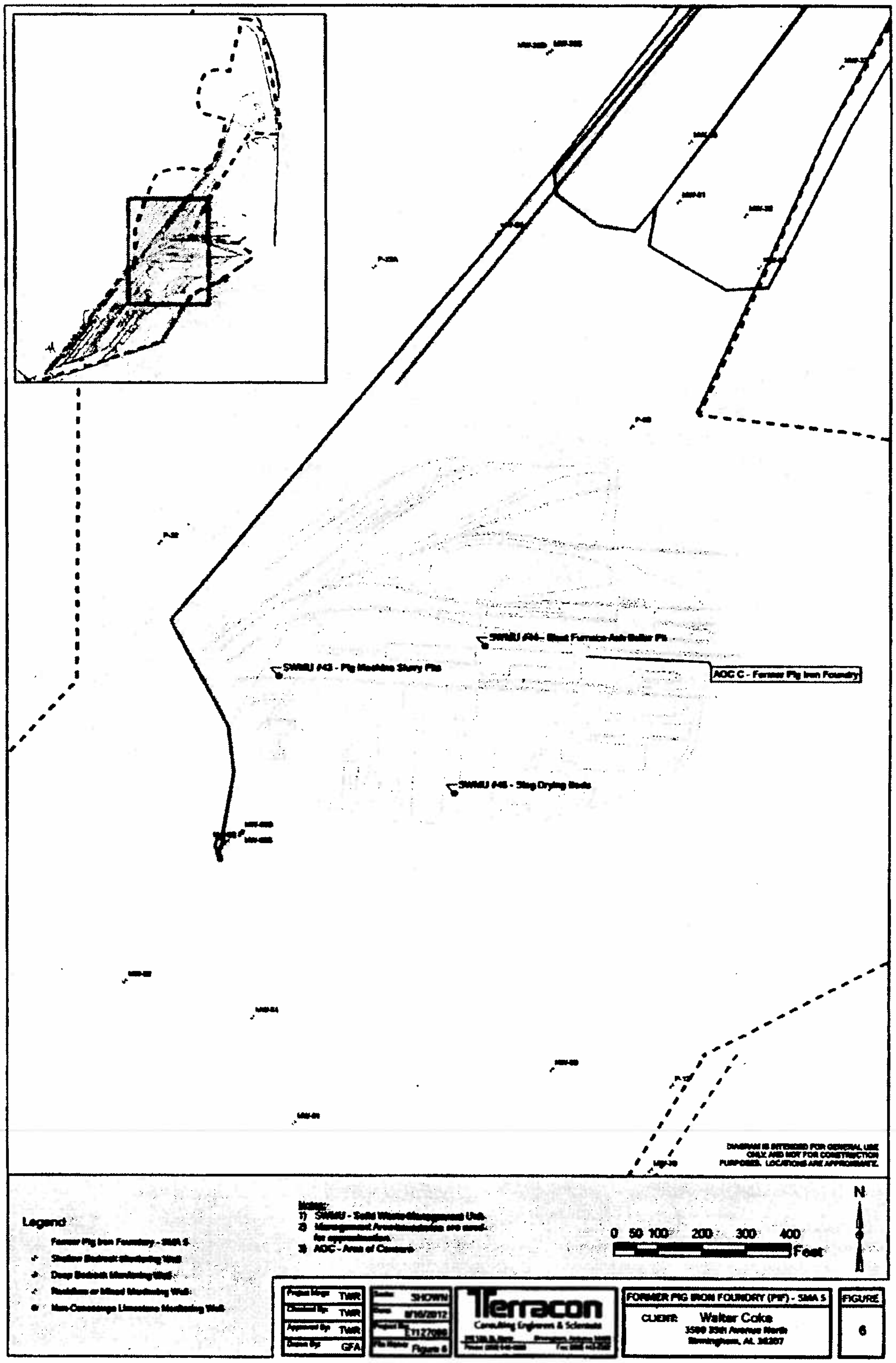

SWMU #40 - Historic Drainage Ditch
SWMU #22 - Polishing Pond
SWMU #41 - Former Impoundment
AOC F - BTF Groundwater Plume
SWMU #19 - Digester
SWMU #18 - Thickener
SWMU #17 - Secondary Clarifier
SWMU #15 - Primary Clarifier
SWMU #16 - Aeration Basin
SWMU #20 - Dewatering Machine
AOC A - Pipe Outfall Into Ditch next to the BTF Area
SWMU #14 - pH Neutralization Basin
SWMU #13 - Equalization Basin
SWMU #21 - Former Emergency Basin
DRAWINGS INTENDED FOR GENERAL USE ONLY, AND NOT FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE.
Legend
BTF Process Area and Sewers - SMA 1
Shallow Bedrock Monitoring Well
Deep Bedrock Monitoring Well
Residium or Mixed Monitoring Well
Non-Conestoga Limestone Monitoring Well
Notes:
1) SWMU - Solid Waste Management Unit
2) Management Area boundaries are used for approximation.
3) AOC - Area of Concern
0 50 100 200 300 400 500
Feet
N
Project Mngr TWR
Designed By TWR
Approved By TWR
Drawn By GFA
Scale SHOWN
Date 8/16/2012
Project No. 3112/2085
File Name Figure 2
Terracon
Consulting Engineers & Scientists
BTF PROCESS AREA AND SEWERS - SMA 1
CLIENT: Walter Coke
3606 35th Avenue North
Birmingham, AL 35207
FIGURE
2



SWMU #23 - Biological Sludge Disposal Area
SWMU #24 - Blast Furnace Emission Control Sludge Pile A
SWMU #24 - Blast Furnace Emission Control Sludge Pile B
SWMU #25 - Stormwater Ditch
SWMU #28 - Construction Debris Landfill
SWMU #30 - Blast Furnace Emission Control Sludge Waste Pile
SWMU #84 - BTF Sewer
DIAGRAM IS INTENDED FOR GENERAL USE ONLY, AND NOT FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE.
Legend
Land Disposal Area - SMA 2
Shallow Bedrock Monitoring Well
Deep Bedrock Monitoring Well
Residuum or Mixed Monitoring Well
Non-Conasauga Limestone Monitoring Well
Notes:
1) SWMU - Solid Waste Management Unit
2) Management Area boundaries are used for approximation.
3) AOC - Area of Concern
0 125 250 500 750 1,000 Feet
N
TWR
TWR
TWR
GFA
SHOWN
Figure 3
Terracon
Consulting Engineers & Scientists
LAND DISPOSAL AREA (LDA) - SMA 2
CLIENT: Walter Coke
FIGURE
3


SWMU #37 - BTF Sewer Tar Trap
SWMU #11 - Coal Tar Decanter
SWMU #06 - Spill Area Around Diesel Tank
SWMU #10 - Coal Tar Decanter
AOC E - Coke Plant Groundwater Plume
SWMU #12 - Coal Tar Decanter
SWMU #09 - Flushing Liquor Decanter Sump
SWMU #08 - Flushing Liquor Decanter
SWMU #07 - Coal Tar Collection Sump
SWMU #01 - Quench Towers & Sumps
SWMU #05 - Coal Tar Storage Drainage System
SWMU #02 - Quench Tower Pump Basins
SWMU #03 - Old Quench Tower Settling Basins
Legend
Coke Manufacturing Plant - SMA 3
Shallow Bedrock Monitoring Well
Deep Bedrock Monitoring Well
Residuum/Fill Monitoring Well
Non-Conestoga Limestone Monitoring Well
Notes
1) SWMU - Solid Waste Management Unit
2) Management Area boundaries are used for approximation.
3) AOC - Area of Concern
0 75 150 300 450 600
Feet
N
Terracon
Consulting Engineers & Scientists
COKE MANUFACTURING PLANT - SMA 3
CLIENT: Walter Coke
1500 35th Avenue North
Birmingham, AL 35207
FIGURE
4


SWMU #30 - Used Oil Tank
SWMU #26 - Mineral Wool Waste Piles
AOC D - FCP Groundwater Plume
SWMU #42 - Former Aboveground Storage tanks (ASTs)
SWMU #29 - Product Tank Containment Area
SWMU #27 - Floor Drain System
SWMU #28 - Submersible Floor Drain
SWMU #31 - Monohydrate Floor Drain Sump
SWMU #39 - Centrifuge Waste Water Tank
SWMU #32 - Drum Storage Area
SWMU #25 - Main Process Building
SWMU #33 - Plant Drum Storage Area
SWMU #34 - Wastewater Neutralization System
AOC B - Drainage Ditch next to Shuttlesworth and 35th Ave.
DIAGRAM IS INTENDED FOR GENERAL USE ONLY AND NOT FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE.
Legend
Former Chemical Plant - SMA 4
Shallow Bedrock Monitoring Well
Deep Bedrock Monitoring Well
Residuum or Mixed Monitoring Well
Non-Carcinogen Limestone Monitoring Well
Notes
1) SWMU - Solid Waste Management Unit
2) Management Area boundaries are used for approximation.
3) AOC - Area of Concern
0 62.5 125 250 375 500
Feet
N
Project Mngr TWR
Checked By TWR
Approved By TWR
Drawn By GFA
Scale SHOWN
Date 8/16/2012
Project No. E11Z7000
File Name Figure 5
Terracon
Consulting Engineers & Scientists
FORMER CHEMICAL PLANT (FCP) - SMA 4
CLIENT: Walter Coke
3508 35th Avenue North
Birmingham, AL 35207
FIGURE
5


SWMU #44 - Blast Furnace Ash Settler Pit
SWMU #43 - Pig Machine Slurry Pits
AOC C - Former Pig Iron Foundry
SWMU #45 - Slag Drying Beds
DIAGRAM IS INTENDED FOR GENERAL USE ONLY AND NOT FOR CONSTRUCTION PURPOSES. LOCATIONS ARE APPROXIMATE.
Legend
Notes:
1) SWMU - Solid Waste Management Unit.
3) AOC - Area of Concern
0 50 100 200 300 400
Feet
N
TWR
TWR
TWR
GFA
SHOWN
8/16/2012
Figure 6
Terracon
Consulting Engineers & Scientists
FORMER PIG IRON FOUNDRY (PIF) - SMA 5
CLIENT: Walter Coke
FIGURE
6

Attachment C: Financial Assurance

1. Following RTC issuance for each Remedy, the Respondent shall provide cost estimates, and demonstrate financial assurance for completing the approved Remedy. Thereafter, the Respondent shall review the Remedy cost estimates, adjust the financial assurance instrument, and submit the revised estimate and instrument to the EPA annually for each Remedy.

   a. Within 120 calendar days of RTC issuance for each remedy, Respondent shall submit to EPA for review and approval an Estimated Cost of the Corrective Measures Work to Be Performed that includes the total third party cost of implementing the CMS remedy, including any necessary long-term CMS costs. Third-party costs are described in 40 C.F.R. § 264.142(a)(2) and shall include all direct costs and also all indirect costs (including contingencies) as described in EPA Directive No. 9476.00-6 (November, 1986), Volume III, Chapter 10. The cost estimate shall contain sufficient details to allow it to be evaluated by EPA.

   b. Until the CMS remedy required by this Order is completed, Respondent shall annually adjust the Estimated Cost of the Corrective Measures Work for inflation within thirty (30) days after the close of Respondent's fiscal year for the Financial Test and Corporate Guarantee, or within sixty (60) days prior to the anniversary date of the establishment of all other financial assurance. In addition, the Respondent shall adjust the Estimated Cost of the Corrective Measures Work if EPA determines that any additional Work is required, pursuant to Section XXII Additional Work, or if any other condition increases the cost of the work to be performed under this Order.

   c. The EPA shall either approve or disapprove, in writing, the Estimated Cost of the Corrective Measures Work. If the EPA disapproves the Estimated Cost of the Corrective Measures Work, the EPA shall either: (1) notify the Respondent in writing of the Estimated Cost of the Corrective Measures Work's deficiencies and specify a due date for submission of a revised Estimated Cost of the Corrective Measures Work, or (2) conditionally approve the CMS and notify the Respondent of the conditions.

   d. The mechanism for financial assurance shall be one that is described and allowable under 40 C.F.R. §§ 264.140 through 264.151 Subpart H unless otherwise agreed to by the EPA.

   e. Within 60 calendar days of EPA's written approval of the Estimated Cost of the Corrective Measures Work for each remedy, in order to secure the full and final completion of work in accordance with this Order, Respondent shall establish and maintain financial assurance for the benefit of EPA for the amount stated in the approved Estimated Cost of the Corrective Measures Work. Respondent may use one or more of the financial assurance instruments generally described in 40 C.F.R. § 264.151. Respondent may combine more than one instrument to demonstrate financial assurance in accordance with this Order, except that instruments guaranteeing performance (i.e. surety bond for performance, the financial test, or the

corporate guarantee) rather than payment may not be combined with other instruments.

f. Any and all financial assurance instruments provided under this Order shall be satisfactory in form and substance as determined by EPA.

2. If the Respondent seeks to establish financial assurance by using the financial test specified in 40 C.F.R. § 264.151, Respondent shall submit to EPA within 60 days of EPA's approval of the Estimated Cost of the Corrective Measures Work all documentation required by that regulation, including the Chief Financial Officer's letter, the Respondent's most recent audited financial statements, and the special auditor's letter. Respondent's financial assurance shall be considered effective immediately upon EPA's determination that the submitted financial information appears to satisfy the financial test criteria.

3. If Respondent seeks to establish financial assurance by using a surety bond or a letter of credit, Respondent shall at the same time establish, and thereafter maintain, a standby trust fund, which meets the requirements specified in 40 C.F.R. § 264.151, into which funds from the other financial assurance instrument can be deposited, if the financial assurance provider is directed to do so by EPA.

4. (a) Respondent shall submit proposed (draft) financial assurance instruments and related required documents for review to EPA as follows:

EPA Project Coordinator
RCRA Corrective Action Section
Restoration and Underground Storage Tank Branch
RCRA Division
United States Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(b) Following EPA's approval of Respondent's proposed (draft) financial assurance instruments for each and every Remedy, Respondent shall execute or otherwise finalize all instruments or other required documents, and shall submit them as follows:

Regional Administrator
Attn: RCRA & CERCLA Records Program Manager
Atlanta Federal Center – 11th Floor
United States Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

5. Also, copies of all final financial assurance instruments and related required documents shall be sent by certified mail to the State of Alabama.

6. If at any time during the effective period of this Order, the Respondent provides financial assurance by means of a corporate guarantee or financial test pursuant to 40 C.F.R. § 264.151, Respondent shall also comply with the other relevant requirements of 40 C.F.R. § 264.143(f), 40 C.F.R. § 264.151(f), and 40 C.F.R. § 264.151(h)(1) relating to these methods, unless otherwise provided in this Order, including but not limited to, (1) initial submission of required financial reports and statements from the guarantors' chief financial officer and independent certified public accountant; (2) annual re-submission of such reports and statements within ninety (90) days after the close of each of the guarantors' fiscal years; and (3) notification of EPA within ninety (90) days after the close of any of the guarantors' fiscal years in which any such guarantor no longer satisfies the financial test requirements set forth at 40 C.F.R.§ 264.143(f)(1). Respondent further agrees that if the Respondent provides financial assurance by means of a corporate guarantee or financial test, EPA may request additional information (including financial statements and accountant's reports) from the Respondent or corporate guarantor at any time.

7. For purposes of evaluating the viability of a corporate guarantee or satisfaction of the financial test described in 40 C.F.R. § 264.151, references in 40 C.F.R. § 264.143(f) or 40 C.F.R. § 264.145(f) to "the sum of current closure and post-closure costs and the current plugging and abandonment cost estimates" shall mean "the sum of all environmental remediation obligations" (including obligations under CERCLA, RCRA, Underground Injection Control (UIC), TSCA and any other state or tribal environmental obligation) guaranteed by such company or for which such company is otherwise financially obligated in addition to the cost of the work to be performed in accordance with this Order.

8. If at any time EPA determines that a financial assurance instrument provided pursuant to this Section is inadequate, or no longer satisfies the requirements set forth or incorporated by reference in the Section, whether due to an increase in the estimated cost of completing the Work or for any other reason, EPA shall so notify the Respondent in writing. If at any time the Respondent becomes aware of information indicating that any financial assurance instrument provided pursuant to this Section is inadequate or no longer satisfies the requirements set forth or incorporated by reference in the Section, whether due to an increase in the estimated cost of completing the Corrective Measures or for any other reason, then Respondent shall notify EPA in writing of such information within ten days. Within thirty (30) days of receipt of notice of EPA's determination, or within thirty (30) days of Respondent becoming aware of such information, as the case may be, Respondent shall obtain and present to EPA for approval, a proposal for a revised or alternative form of financial assurance listed in 40 C.F.R. § 264.151 that satisfies all requirements set forth or incorporated by reference in this Section.

9. Respondent's inability or failure to establish or maintain financial assurance for completion of the work shall in no way excuse performance of any other requirements of this Order, including, without limitation, the obligation of Respondent to complete the work in strict accordance with the terms of this Order.

10. If Respondent elects to establish financial assurance by using a letter of credit, a surety bond, or an insurance policy, any and all automatic renewal requirements and/or cancellation notification terms related to those instruments shall be in accordance with the regulations at 40 C.F.R. §§ 264.143, .145 and .151.

11. In the event that EPA determines that the Respondent (1) has ceased implementation of any portion of the work, (2) is significantly or repeatedly deficient or late in its performance of the work, or (3) is implementing the work in a manner that may cause an endangerment to human health or the environment, EPA may issue a written notice ("Performance Failure Notice") to both the Respondent and the financial assurance provider of Respondent's failure to perform. The notice issued by EPA will specify the grounds upon which such a notice was issued, and will provide the Respondent with a period of ten days within which to remedy the circumstances giving rise to the issuance of such notice.

12. Failure by the Respondent to remedy the relevant Performance Failure to EPA's satisfaction before the expiration of the ten-day notice period shall trigger EPA's right to have immediate access to and benefit of the financial assurance. EPA may at any time thereafter direct the financial assurance provider to immediately (1) deposit into the standby trust fund, or a newly created trust fund approved by EPA, the remaining funds obligated under the financial assurance instrument (2) or arrange for performance of the work in accordance with this Order.

13. If EPA has determined that any of the circumstances of performance failure described above have occurred, and if EPA is nevertheless unable after reasonable efforts to secure the payment of funds or performance of the work in accordance with this Order from the financial assurance provider pursuant to this Order, then, upon receiving written notice from EPA, Respondent shall within ten days thereafter deposit into the standby trust fund, or a newly created trust fund approved by EPA, in immediately available funds and without setoff, counterclaim, or condition of any kind, a cash amount equal to the estimated cost of the remaining Work to be performed in accordance with this Order as of such date, as determined by EPA.

14. Respondent may invoke the procedures set forth in Section XX. DISPUTE RESOLUTION, to dispute EPA's determination that any of the circumstances of performance failure described above have occurred. Invoking the dispute resolution provisions shall not excuse, toll or suspend the obligation of the financial assurance provider to fund the trust fund or perform the work. Furthermore, notwithstanding Respondent's invocation of such dispute resolution procedures, and during the pendency of any such dispute, EPA may in its sole discretion direct the trustee of such trust fund to make payments from the trust fund to any person that has performed the work in accordance with this Order until the earlier of (1) the date that Respondent remedies, to EPA's satisfaction, the circumstances giving rise to EPA's issuance of the relevant Performance Failure Notice or (2) the date that a final decision is rendered in accordance with Section XX. DISPUTE RESOLUTION, that Respondent has not failed to perform the work in accordance with this Order.

15. Reduction of Amount of Financial Assurance. If the Respondent believes that the estimated cost to complete the remaining Corrective Measures has diminished below the amount covered by the existing financial assurance provided under this Order, Respondent may, at the same time that Respondent submits the annual cost adjustment, or at any other time agreed to by EPA, submit a written proposal to EPA to reduce the amount of the financial assurance provided under this Section so that the amount of the financial assurance is equal to the estimated cost of the remaining work to be performed. The written proposal shall specify, at a minimum, the cost of the remaining work to be performed and the basis upon which such cost was calculated. EPA shall notify Respondent of its decision in writing. After receiving EPA's written decision, Respondent may reduce the amount of the financial assurance only in accordance with and to the extent permitted by such written decision. In the event of a dispute, Respondent may reduce the amount of the financial assurance required hereunder only in accordance with the final EPA dispute decision resolving such dispute. No change to the form or terms of any financial assurance provided under this Section, other than a reduction in amount, is authorized except as provided below.

16. Change of Form of Financial Assurance. (1) If the Respondent desires to change the form or terms of financial assurance, Respondent may, at the same time that the Respondent submits the annual cost adjustment, or at any other time agreed to by EPA, submit a written proposal to EPA to change the form of financial assurance. The submission of such proposed revised or alternative form of financial assurance shall be as provided in paragraph (2) below. The decision whether to approve a proposal shall be made in EPA's sole and unreviewable discretion and such decision shall not be subject to challenge by Respondent pursuant to the dispute resolution provisions of this Order or in any other forum. (2) A written proposal for a revised or alternative form of financial assurance shall specify, at a minimum, the cost of the remaining work to be performed, the basis upon which such cost was calculated, and the proposed revised form of financial assurance, including all proposed instruments or other documents required in order to make the proposed financial assurance legally binding. The proposed revised or alternative form of financial assurance shall satisfy all requirements set forth or incorporated by reference in this Section. EPA shall notify the Respondent in writing of its decision to accept or reject a revised or alternative form of financial assurance submitted pursuant to this Paragraph. Within ten (10) days after receiving a written decision approving the proposed revised or alternative financial assurance, Respondent shall execute and/or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the documents submitted to EPA as part of the proposal, and such financial assurance shall be fully effective. Respondent shall submit all executed and/or otherwise finalized instruments or other documents required in order to make the selected financial assurance legally binding to the RCRA & CERCLA Records Program Manager within thirty (30) days of receiving a written decision approving the proposed revised or alternative financial assurance, with a copy to the EPA Project Coordinator and the State. EPA shall release, cancel or terminate the prior existing financial assurance instruments only after Respondent has submitted all executed and/or otherwise finalized new financial assurance instruments or other required documents to EPA.

17. Release of Financial Assurance. Respondent may submit a written request to the EPA Project Coordinator that EPA releases the Respondent from the requirement to maintain financial assurance under this Section at such time as EPA and Respondent have both executed an "Acknowledgment of Termination and Agreement to Record Preservation and Reservation of Right" pursuant to Section XXXVI: Termination and Satisfaction, of this Order. EPA shall notify both the Respondent and the provider(s) of the financial assurance that Respondent is released from all financial assurance obligations under this Order. Respondent shall not release, cancel or terminate any financial assurance provided pursuant to this section except as provided in this Order. In the event of a dispute, Respondent may release, cancel, or terminate the financial assurance required hereunder only in accordance with a final administrative or judicial decision resolving such dispute.

Attachment D: SWMU Management Areas (SMAs)

SWMU MANAGEMENT AREAS (SMAs) – SWMU List

SMA	SWMUs	Schedule for Completion and Submission of Final Report to EPA
BTF PROCESS AREA & SEWERS – SMA 1	SWMU #13 (Equalization Basin) SWMU #14 (pH Neutralization Basin) SWMU #15 (Primary Clarifier) SWMU #16 (Aeration Basin) SWMU #17 (Secondary Clarifier) SWMU #18 (Thickener) SWMU #19 (Digester) SWMU #20 (Dewatering Machine) SWMU #21 (Former Emergency Basin) SWMU #22 (Polishing Pond) SWMU #40 (Historic Drainage Ditch) SWMU #41 (Former Impoundment) AOC A (Pipe Outfall into Ditch next to BTF Area) AOC F (BTF Groundwater Plume)	180 days
Land Disposal Area (LDA) – SMA 2	SWMU #4 (BTF Sewer) SWMU #23 (Biological Sludge Disposal Area) SWMU #24 (Blast Furnace Emission Control Sludge Piles A and B) SWMU #25 (Stormwater Ditch) SWMU #38 (Construction Debris Landfill) SWMU #39 (Blast Furnace Emission Control Sludge Waste Pile)	270 days
Coke Manufacturing Plant (CMP) – SMA 3	SWMU #1 (Quench Towers and Sumps) SWMU #2 (Quench Tower Pump Basins) SWMU #3 (Old Quench Tower Settling Basins) SWMU #5 (Coal Tar Storage Drainage System) SWMU #6 (Spill Area Around Diesel Tank) SWMU #7 (Coal Tar Collection Sump) SWMU #8 (Flushing Liquor Decanter) SWMU #9 (Flushing Liquor Decanter Sump) SWMU #10 (Coal Tar Decanter) SWMU #11(Coal Tar Decanter) SWMU #12 (Coal Tar Decanter) SWMU #37 (BTF Sewer Tar Trap) AOC E (Coke Plant Groundwater Plume)	12 months
Former Chemical Plant (FCP) – SMA 4	SWMU #26 (Main Process Building) SWMU #27 (Floor Drain System) SWMU #28 (Sulfonation Floor Drain) SWMU #29 (Product Tank Containment Area) SWMU #30 (Centrifuge Waste Water Tank) SWMU #31 (Monohydrate Floor Drain and Sump) SWMU #32 (Drum Storage Area) SWMU #33 (Plant Drum Storage Area) SWMU #34 (Wastewater Neutralization System) SWMU #35 (Mineral Wool Waste Piles) SWMU #36 (Used Oil Tank) SWMU #42 (Former Aboveground Storage tanks [ASTs]) AOC B (Drainage Ditch next to Shuttlesworth Drive and 35th Ave) AOC D (Former Chemical Plant [FCP] Groundwater Plume)	18 months
Former Pig Iron Foundry (PIF) – SMA 5	SWMU #43 (Pig Machine Slurry Pits) SWMU #44 (Blast Furnace Ash Boiler Pit) SWMU #45 (Slag Drying Beds) AOC C (Former Pig Iron Foundry)	24 months

Attachment E: 45 SWMUs and 6 AOCs

1 - Quench Towers & Sumps
2 - Quench Tower Pump Basins
3 - Old Quench Tower Settling Basins
4 - BTF Sewer
5 - Coal Tar Storage Drainage System
6 - Spill Area Around Diesel Tank
7 - Coal Tar Collection Sump
8 - Flushing Liquor Decanter
9 - Flushing Liquor Decanter Sump
10 - Coal Tar Decanter
11 - Coal Tar Decanter
12 - Coal Tar Decanter
13 - Equalization Basin
14 - pH Neutralization Basin
15 - Primary Clarifier
16 - Aeration Basin
17 - Secondary Clarifier
18 - Thickener
19 - Digester
20 - Dewatering Machine
21 - Former Emergency Basin
22 - Polishing Pond
23 - Biological Sludge Disposal Area
24 - Blast Furnace Emission Control Sludge Piles A and B
25 - Storm Water Ditch
26 - Main Process Building
27 - Floor Drain System
28 - Sulfonation Floor Drain
29 - Product Tank Containment Area
30 - Centrifuge Waste Water Tank
31 - Monohydrate Floor Drain & Sump
32 - Drum Storage Area
33 - Plant Drum Storage Area
34 - Wastewater Neutralization System

35 - Mineral Wool Waste Piles
36 - Used Oil Tank
37 - BTF Sewer Tar Trap
38 – Construction Debris Landfill
39 - Blast Furnace Emission Control Sludge Waste Pile
40 - Historic Drainage Ditch
41 - Former Impoundment
42 - Former Aboveground Storage Tanks (ASTs)
43 - Pig Machine Slurry Pits
44 - Blast Furnace Ash Boiler Pit
45 - Slag Drying Beds

AOC A - Pipe Outfall into Ditch next to the BTF Area
AOC B - Drainage Ditch next to Shuttlesworth and 35th Ave.
AOC C - Former Pig Iron Foundry
AOC D - Former Chemical Plant (FCP) Groundwater Plume
AOC E - Coke Plant Groundwater Plume
AOC F - BTF Groundwater Plume

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing RCRA Section 3008(h) Administrative Order on Consent, In The Matter of Walter Coke, Inc., Docket No. RCRA-04-2012-4255, on the parties listed below in the manner indicated:

Joan Redleaf Durbin (Via EPA's internal mail)
Associate Regional Counsel
Office of Environmental Accountability
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Jeffrey T. Pallas (Via EPA's internal mail)
Acting Deputy Director
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Carol W. Farrell (Via Certified Mail)
President
Walter Coke, Inc.
3500 35th Avenue North
Birmingham, Alabama 35207-2918

I also hereby certify that I have this day filed the original and one true and correct copy of foregoing RCRA Section 3008(h) Administrative Order on Consent, Docket No. RCRA-04-2012-4255, with the Regional Hearing Clerk, Unites States Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303.

Dated this 17 day of September, 2012.

Debra Ricks-Sinquefield
Executive Assistant
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 16 2012

Carol Farrell, President
Walter Energy, Inc.
P.O. Box 5327
3500 35th Avenue
Birmingham, Alabama 33618

SUBJECT: Approval of February 20, 2002, RCRA Facility Investigation Interim Remedial Measures Work Plan (IRMWP) – Groundwater Interim Measures Work Plan prepared by Arcadis, and the February 11, 2011, Groundwater Interim Measures Work Plan Addendum for the former Chemical Plant (Addendum IMWP) prepared by CH2MHill
Walter Coke, Inc., Birmingham, Alabama
EPA ID No. AL 000 828 848

Dear Ms. Farrell:

The U.S. Environmental Protection Agency has reviewed the above subject documents for the groundwater interim measures of the Former Chemical Plant submitted by Walter Coke, Birmingham, Alabama in February 2002 and revised in February 2011. Pursuant to Section VI of the RCRA Section 3008(h) Administrative Order dated September 29, 1989, EPA is hereby approving the groundwater interim measures Work Plan for the off-site migration of contaminated groundwater for the Former Chemical Plant.

This approval for the groundwater interim measures includes approval of Sections 2.0 and 5.0 of the above referenced IRMWP prepared by Arcadis, dated February 20, 2002, the above referenced Addendum IMWP prepared by CH2MHill, dated February 11, 2011, and the modifications to both documents as specified in the Enclosure entitled "EPA Final Comments on the Interim Measures Work Plan for the Off-site Migration of Contaminated Groundwater from the Former Chemical Manufacturing Plant." Together, these constitute the final interim measures work plan (IWMP) and the IWMP is considered effective on the date of this letter. Pursuant to the schedule contained in the Enclosure, Walter Coke is required to resubmit a final IMWP (to have everything in one document) for the Former Chemical Plant incorporating all of the changes to EPA within 30 days of the date of this letter.

Enclosure

EPA Final Comments on the Interim Measures Work Plan
for the Off-site Migration of Contaminated Groundwater from the
Former Chemical Manufacturing Plant
Walter Coke, Inc., Birmingham, Alabama
EPA ID No. AL 000 828 848
Revised April 13, 2012

Introduction

EPA has completed its review of the Interim Remedial Measures Work Plan (IRMWP) for the Chemical Manufacturing Plant, dated February 20, 2002, and the Groundwater Interim Measures Work Plan Addendum (Addendum IMWP) for the former Chemical Manufacturing Plant dated February 11, 2011. Sections 2.0 and 5.0 of the IRMWP and the Addendum IMWP represent the proposed groundwater interim measures. The facility has proposed an interim measure for addressing off-site migration of contaminated groundwater from the former Chemical Manufacturing Plant. The interim measure is hydraulic containment with the secondary benefit of chemical mass reduction via groundwater recovery.

Comment #1 Objective of the Interim Measures (IM)

Please add to the Scope in the final Interim Measures Work Plan (IMWP) for Groundwater Interim Measures the following objective: As a secondary benefit, the IM will reduce the mass of VOCs and SVOCs in the groundwater under the former Chemical Manufacturing Plant with the understanding that the final remedy goal for meeting the groundwater protection standards is to achieve the MCLs, regional screening levels (RSLs), and/or the Corrective Measures Study (CMS) risk-based standards.

Comment #2 Performance Objectives- Addendum IMWP

The IM stated, *"[t]he performance objective of the hydraulic containment IM is to maintain an inward gradient at those locations along the down gradient property boundary where chemical concentrations have been detected above the EPA's tap water regional screening levels (RSLs). The specific area being targeted is "around" monitoring wells MW-49S, MW-50, and MW-51."*

- Revise the final IMWP to restate the performance objectives as follows: 1) Establish pumping rates in the recovery wells to maintain the inward gradient along the property line of MW-49S and MW 51. 2) Evaluate hydraulic interaction and capture for the interior wells (CW-3, CW-4, CW-5, and CW-6); and

- Revise the final IMWP to specify that Walter Coke will quantify the secondary benefits of chemical mass reduction by: 1) Determining on a quarterly basis, the mass of VOCs and SVOCs removed from the aquifer system-wide; and 2) Describe how Walter Coke will measure and calculate mass removal of VOCs and SVOCs.

quarter, and should continue to be submitted for two years.

a. Quarterly monitoring reports should include:
    i. Report Narrative
    ii. Groundwater elevation data
    iii. System Evaluation
        a. Flow direction and magnitude, containment, potentiometric surface and chemical concentration maps, and data trend plots.
        b. Well Performance (trend line plotted).
    iv. Quarterly Groundwater Monitoring Results
        a. Chemical concentrations from CW system sampling port
        b. Chemical concentrations from monitoring wells (until EPA approves demonstrated system effectiveness)
        c. Groundwater elevation tables.
    v. Mass removal calculations system wide from the single combined system wide sample port.
    vi. Recommendations for system improvement.

H. The fourth quarter monitoring report shall include an "annual system effectiveness" report to include the calculated contaminant mass removal; and, if necessary, corrective measures with a schedule for implementation for EPA's concurrence.

I. EPA may allow annual sampling after a minimum of 4 quarterly sampling events if Walter Coke can demonstrate, with EPA Approval, system effectiveness.

References:

Bair, Scott E. and George S. Roadcap, Comparison of Flow Models Used to Delineate Capture Zones of Wells: 1. Leaky-Confined Fractured-Carbonate Aquifer. Groundwater, Vol. 30, No. 2, March-April 1992, p. 199-211.

A Systematic Approach for Evaluation of Capture Zones at Pump and Treat Systems, EPA 600/R-08/003.

Elements for Effective Management of Operating Pump and Treatment System. 542-R-02-009 OSWER 9355.4-27FS-A December 2002.

Insitu Remediation Technology Status Report: Hydraulic and Pneumatic Fracturing. EPA542-K-94-005 April 1995.

Frank U. and N. Barkley, Remediation of Low Permeability Subsurface Formations by Fracturing Enhancement of Soil Vapor Extraction. Journal of Hazardous Materials, Vol. 40. 1995, p.191-201.

ICIS NPDES: Complying Action/Injunctive Relief

Releasable Gayla Uslu

NE2 D

Integrated Compliance Information System ICIS

Enforcement Action Identifier: 04-2012-4255
Enforcement Action Name: WALTER COKE, INC.
Issued By: EPA
Forum: Administrative - Formal

Final Order ID: 1
Final Order Name: WALTER COKE, INC
Final Order Type: Administrative Compliance Orders

ADD COMPLYING ACTION / INJUNCTI

Law Sections Violated

RCRA : 3002 : Standards Applicable to Generators of Hazardous Waste

RCRA : 3008H : Interim Status Corrective Action Order

Cost of Complying Action/Injunctive Relief

Priority	Cost of Complying Action/Injunctive Relief
OECA Core Program	$ 8,405,000.00
	Total $: 8,405,000.00

Quantitative Environmental Impact List

Pollutants	Amount	Units	Media	Priority	Environmental Benefit
Reduction of Ongoing Releases					
Reduction-Waste Containment					
Contaminated debris	25,900.00	Cubic Yards	Soil	OECA Core Program	Estimated Contaminated Soil to be Cleaned Up (cubic yds)
Contaminated soil	2,650,941.00	Cubic Yards	Soil	OECA Core Program	Estimated Contaminated Soil to be Cleaned Up (cubic yds)
Solids, sludge, tot. dry weight	1,442,812,500.00	Pounds	Land	OECA Core Program	Estimated Toxics and Pestici Reduced, Treated, or Elimina (pounds)
Removal and Restoration					
Removal-Ex-Situ Treatment					
Contaminated groundwater	35,860,076.25	Cubic Yards	Water (ground)	OECA Core Program	Estimated Contaminated Water/Aquifer to be Cleaned (cubic yds)
Contaminated soil	8,991.00	Cubic Yards	Soil	OECA Core Program	Estimated Contaminated Soil to be Cleaned Up (cubic yds)
Work Practices					
Work Practices-Environmental Management Review					
Work Practices-Financial Responsibility Requirements					
Work Practices-Information Letter Response					
Work Practices-Institutional Controls					
Work Practices-Monitoring					
Work Practices-Notification					
Work Practices-Planning					
Work Practices-Provide Site Access					
Work Practices-Record-keeping					
Work Practices-Reporting					
Work Practices-Testing/Sampling					

after changes were made 12/10/12

Releasable Gayla Uslu

NE 3 Date

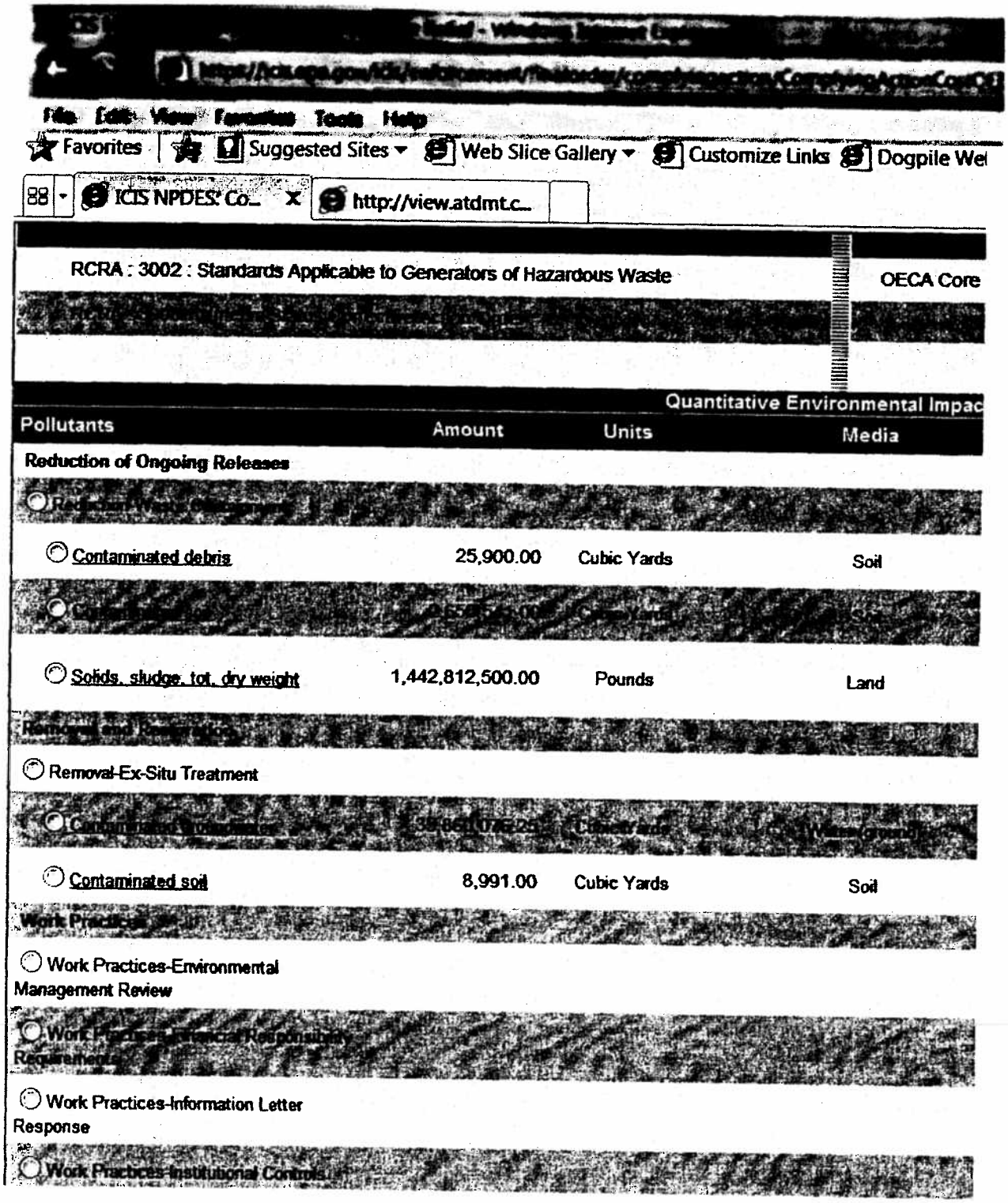
—

Changes Made to Walter Coke Pollutant Calcs – see screenshot below

Teresa Shirley to: Teresa Shirley, Donna Inman, Daniel Palmer, Liza Montalvo, Shannon Maher 12/10/2012 10:29

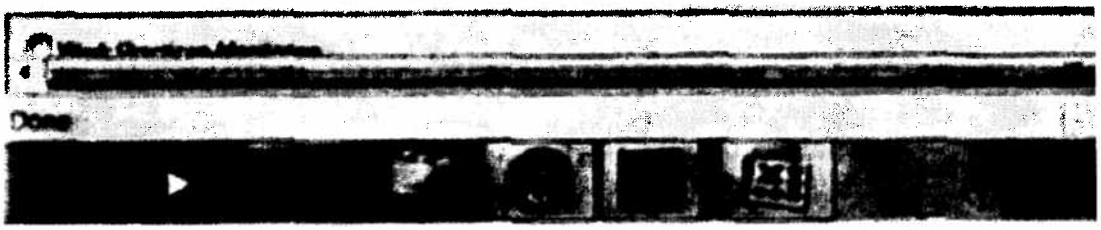
Releasable Gayle Uslu

Date



Releasable Gayla Uslu

Date



Teresa Shirley
404-562-9647
Need ICIS Info? See http://r4intranet.epa.gov/oea/icis.htm

Enforcement & Compliance History Online (ECHO)

EPA is now working to fix data issues with CWA noncompliance status in some states. Read More!

Enforcement Case Report

For Public Release - Unrestricted Dissemination. Report Generated on 01/11/13
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Case Number:	04-2012-4255		
Case Name:	WALTER COKE, INC.		
Case Type:	Administrative - Formal	Result of Voluntary Disclosure?	No
Case Status:	Final Order Issued	Multi-media Case?	No
Regional Docket Number:	RCRA-04-2012-4255	Enforcement Type:	RCRA 3008H AO For Corrective Action
Relief Sought:	No Data	Violations:	No Data
Enforcement Outcome:	Final Order No Penalty		

Penalties:

*EPA settles the vast majority of its enforcement actions and almost all of these cases are settled without an admission of liability. The agreement to pay a penalty as part of a settlement does not necessarily reflect an admission of liability for environmental violations by the company.

Total Federal Penalty* Assessed or Agreed To (not necessarily an admission of liability)	Total State/Local Penalty Assessed	Total SEP Cost	Total Compliance Action Cost	Total Cost Recovery
			$8,405,000	

Case Summary:

9/17/2012 - ADMINISTRATIVE ORDER ON CONSENT.

Laws and Sections:

Law	Sections	Programs
RCRA	3002, 3008H	Gen Hazardous Waste Management - Subtitle C - LQG Solid Waste Management - Subtitle C

Citations:

Title	Part	Section
No Data Records Returned		

Program Links:

FRS Number	Program	Program ID
110000366657	RCRAINFO	ALD000828848

Date

Enforcement & Compliance History Online (ECHO)

EPA is now working to fix data issues with CWA noncompliance status in some states. Read More!

Detailed Facility Report

Map Report Error Data Dictionary

For Public Release - Unrestricted Dissemination Report Generated on 01/11/2013
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Gray text in this report indicates information that is not required to be reported to EPA. These data, typically regarding non-major or smaller facilities, are often incomplete.

Facility Permits and Identifiers

Data Dictionary

Statute	System	Source ID	Facility Name	Street Address	City	State	Zip
	FRS	110000366657	SLOSS INDUSTRIES CORPORATION COKE PLANT	3500 35TH AVENUE NORTH	BIRMINGHAM	AL	35207
TSCA	TSCA	100603935					
TSCA	TSCA	200003887					
CAA	AFS	0107300350	WALTER COKE, INC. FIBER DIVISION	3500 35TH N	BIRMINGHAM	AL	35207
CAA	AFS	0107300355	WALTER COKE, INC.	4200 FL SHUTTLESWORTH	BIRMINGHAM	AL	35207
CAA	GGR	1006585	WALTER COKE, INC. COKE PLANT	3500 35TH AVENUE NORTH	BIRMINGHAM	AL	35207
CWA	ICP	AL0003247	WALTER COKE INC	3500 35TH AVENUE NORTH	BIRMINGHAM	AL	35207
CAA	NEI	NEI8466	Sloss Industries			AL	35207
CAA	NEI	NEI8467	Sloss Industries			AL	35207
RCRA	RCR	ALD000828848	WALTER COKE, INC BIRMINGHAM FACILITY	3500 35TH AVENUE NORTH	BIRMINGHAM	AL	35207
EP313	TRI	35207SLSSN35003	WALTER COKE INC	3500 35TH AVE N	BIRMINGHAM	AL	35207

Facility Characteristics

Data Dictionary

Statute	Source ID	Universe	Status	Areas	Permit Expiration Date	Latitude/ Longitude	Indian Country?	SIC Codes	NAICS Codes
	110000366657					LRT: 33.561944 , -86.802333	No		
CAA	0107300350	Major (Fed. Rep.)	Permanently Closed	MACT (SECTION 63 NESHAPS), TITLE V PERMITS , SIP , NESHAP , NSPS			NA	3296 4931	327993
CAA	0107300355	Major (Fed. Rep.)	Operating	MACT (SECTION 63 NESHAPS), TITLE V			NA	3312 4931	

Date

				PERMITS , ~~SIP~~ , NESHAP , NSPS					
CAA	1006585	Direct emitter		Industry type(s): Stationary Combustion, Iron and Steel Production		33.5619, -86.8023	NA		331111
CWA	AL0003247	Major; NPDES Individual Permit	Effective		11/30/2014	33.561900, -86.802300	No	3312	
RCRA	ALD000828848	LQG	Active (H A)			33.3405 , -86.4753	No	2869 3312 3296	324199
EP313	35207SLSSN35003					33.5611 , -86.8105	NA	3312	331111 324199

If the CWA permit is past its expiration date, this normally means that the permitting authority has not yet issued a new permit. In these situations, the expired permit is normally administratively extended and kept in effect until the new permit is issued.

For the RCRA program, activities that contribute to an overall facility status of Active are displayed in parentheses using the acronym HPACS, where H indicates handler activities, P - permitting, A - corrective action, C - converter, and S - state-specific. More information is available in the Data Dictionary.

Inspection and Enforcement Summary Data

Statute	Source ID	Insp. Last 05Yrs	Date of Last Inspection	Formal Enf Act Last 05 Yrs	Penalties Last 05 Yrs
CAA	0107300350	1	08/06/2009	2	$62,000
CAA	0107300355	2	05/04/2011	0	$00
CWA	AL0003247	8	12/14/2011	0	$00
RCRA	ALD000828848	4	07/10/2012	0	$00

Compliance Monitoring History (05 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CAA	0107300350	AFS	TV COMPLIANCE CERTIFICATION REVIEW BY S	State	08/14/2008	Result=IN COMPLIANCE ; Deviations=Y
CAA	0107300350	AFS	STATE/LOCAL PCE/ON-SITE	State	10/02/2008	
CAA	0107300350	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	12/01/2008	
CAA	0107300350	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/07/2008	
CAA	0107300350	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/07/2008	
CAA	0107300350	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	10/31/2008	
CAA	0107300350	AFS	STATE/LOCAL PCE/ON-SITE	State	12/01/2008	
CAA	0107300350	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/20/2009	
CAA	0107300350	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/20/2009	
CAA	0107300350	AFS	STATE/LOCAL PCE/ON-SITE	State	05/28/2009	
CAA	0107300350	AFS	TV COMPLIANCE CERTIFICATION REVIEW BY S	State	07/16/2009	Result=IN COMPLIANCE ; Deviations=Y
CAA	0107300350	AFS	STATE/LOCAL PCE/ON-SITE	State	08/06/2009	

Date

CAA	0107300350	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/29/2009	
CAA	0107300350	AFS	STATE/LOCAL CONDUCTED FCE/ON-SITE	State	08/06/2009	
CAA	0107300350	AFS	TV COMPLIANCE CERTIFICATION REVIEW BY S	State	06/29/2010	Result=IN COMPLIANCE ; Deviations=Y
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	01/30/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	01/31/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	01/24/2008	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	02/28/2008	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/31/2008	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	05/30/2008	
CAA	0107300355	AFS	TV COMPLIANCE CERTIFICATION REVIEW BY S	State	02/07/2008	Result=IN COMPLIANCE ; Deviations=Y
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	06/26/2008	
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	09/24/2008	Result=STACK TEST PASSED ; Pollutant=VOC
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/19/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/23/2008	
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	12/23/2008	Result=STACK TEST PASSED ; Pollutant=VOC
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	01/14/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	11/25/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/14/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/14/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	12/11/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/19/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/09/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/23/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/29/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	02/17/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	02/24/2009	
CAA	0107300355	AFS	TV COMPLIANCE CERTIFICATION REVIEW BY S	State	04/01/2009	Result=IN COMPLIANCE ; Deviations=Y
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/18/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	04/28/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/05/2009	

CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/05/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/21/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	08/12/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	08/24/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/09/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/10/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/25/2008	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/05/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	05/18/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	05/12/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	04/16/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	04/28/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	04/28/2009	
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	09/19/2009	Result=STACK TEST PASSED ; Pollutant=PT
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	09/18/2009	Result=STACK TEST PASSED ; Pollutant=PT
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	09/20/2009	Result=STACK TEST PASSED ; Pollutant=PT
CAA	0107300355	AFS	STATE/LOCAL CONDUCTED FCE/ON -SITE	State	08/12/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/15/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/30/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/23/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/31/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/25/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	06/17/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	06/16/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	05/20/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/13/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	01/22/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	01/07/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	10/13/2009	

Releasable Gayla Uslu

Date

CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/28/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	10/22/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	10/08/2009	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	01/07/2010	
CAA	0107300355	AFS	TV COMPLIANCE CERTIFICATION REVIEW BY S	State	12/23/2009	Result=IN COMPLIANCE ; Deviations=Y
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	02/08/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	02/19/2010	
CAA	0107300355	AFS	EPA PCE/OFF-SITE	EPA	12/22/2009	
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	04/06/2010	Result=STACK TEST PASSED ; Pollutant=PT
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/15/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	06/09/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/22/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/21/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	12/07/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/24/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/25/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/04/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	12/29/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	12/31/2009	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	06/10/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	05/25/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	06/07/2010	
CAA	0107300355	AFS	EPA PCE/ON-SITE	EPA	08/11/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	08/05/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	08/12/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/03/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/10/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	04/09/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/07/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	05/04/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/11/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/20/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/06/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/19/2010	

Releasable Gayla Uslu
Date

CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/01/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	05/05/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	04/15/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	04/05/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/07/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	10/14/2010	
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	10/26/2010	Result=STACK TEST PASSED ; Pollutant=NO2
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/28/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	10/29/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	10/07/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/28/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	12/07/2010	
CAA	0107300355	AFS	TV COMPLIANCE CERTIFICATION REVIEW BY S	State	12/20/2010	Result=IN COMPLIANCE ; Deviations=Y
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/29/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/16/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	12/21/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	12/15/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	01/07/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	01/18/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	11/22/2010	
CAA	0107300355	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	02/01/2011	Result=STACK TEST PASSED ; Pollutant=PT
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	01/28/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/27/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/27/2010	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	01/21/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/02/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	02/14/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	02/21/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/24/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/11/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	04/12/2011	

CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	03/28/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	04/13/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	05/09/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	05/24/2011	
CAA	0107300355	AFS	STATE/LOCAL CONDUCTED FCE/ON -SITE	State	05/04/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	05/06/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	06/27/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	05/27/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/12/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	05/25/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	06/15/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	06/20/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/18/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/19/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/20/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	06/15/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	06/21/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/25/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/27/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	07/22/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	07/27/2011	
CAA	0107300355	AFS	EPA PCE/OFF-SITE	EPA	09/14/2011	
CAA	0107300355	AFS	EPA PCE/ON-SITE	EPA	09/14/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/07/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/08/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/12/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/13/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/14/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/29/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/30/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	11/10/2010	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	08/16/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	08/08/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	10/04/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/07/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	09/21/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	10/12/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/16/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	08/19/2011	

Releasable Gayla Uslu Date

CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	09/16/2011	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	10/13/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	11/08/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	11/18/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	12/08/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	12/13/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	01/12/2012	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/07/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	11/08/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	11/18/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	12/08/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	12/13/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	01/12/2012	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/07/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	02/28/2012	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/07/2012	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/26/2012	
CAA	0107300355	AFS	ON-SITE PCE OBSERVATION (STATE/LOCAL)	State	11/21/2011	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	02/09/2012	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/28/2012	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	04/04/2012	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/29/2012	
CAA	0107300355	AFS	STATE/LOCAL PCE/ON-SITE	State	03/29/2012	
CWA / §311	3000064570	ICIS	Evaluation	EPA	12/12/2011	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Base Program	State	08/13/2008	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Base Program	State	02/18/2010	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Base Program	State	07/02/2010	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Base Program	State	04/27/2011	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Base Program	EPA	09/12/2011	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Stormwater - Non-Construction	EPA	09/13/2011	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Base Program	EPA	12/12/2011	
CWA	AL0003247	ICP	Evaluation (CEI); NPDES - Base Program	State	12/14/2011	
TSCA	I04#20050324AL0381	NCD	Section 6 PCB State Conducted	State	03/24/2005	
RCRA	ALD000828848	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	EPA	02/11/2009	No Violations Or Compliance Issues Were Found
RCRA	ALD000828848	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	State	02/11/2009	No Violations Or Compliance Issues Were Found

RCRA	ALD000828848	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	EPA	09/06/2011	Violations Or Compliance Issues Were Found
RCRA	ALD000828848	RCR	FINANCIAL RECORD REVIEW	EPA	07/10/2012	No Violations Or Compliance Issues Were Found

Entries in *italics* are not considered inspections in official counts.

Compliance Summary Data

Data Dictionary

Information on the nature of alleged violations is available on the FAQ page.

Statute	Source ID	Current SNC/HPV?	Description	Current As Of	Qtrs in NC (of 12)
CAA	0107300350	NO		12/08/2012	
CAA	0107300355	NO		12/08/2012	
CWA	AL0003247	NO		Apr-Jun12	10
RCRA	ALD000828848	No		12/09/2012	4

Three Year Compliance Status by Quarter

Data Dictionary

Violations shown in a given quarter do not necessarily span the entire 3 months. Information on the nature of alleged violations is available on the FAQ page, and information on the duration of non-compliance is available at the end of this report.

AIR Compliance Status												
Statute:Source ID CAA: 0107300350	QTR1 Jan-Mar10	QTR2 Apr-Jun10	QTR3 Jul-Sep10	QTR4 Oct-Dec10	QTR5 Jan-Mar11	QTR6 Apr-Jun11	QTR7 Jul-Sep11	QTR8 Oct-Dec11	QTR9 Jan-Mar12	QTR10 Apr-Jun12	QTR11 Jul-Sep12	QTR12 Oct-Dec12
HPV History												
Program/Pollutant in Current Violation												
MACT (SECTION 63 NESHAPS)												
TITLE V PERMITS								Unknown	Unknown	Unknown	Unknown	Unknown
SIP												
NESHAP												
NSPS												

High Priority Violator (HPV) History section: "Unaddr" means the facility has not yet been addressed with a formal enforcement action. "Addrs"means the facility has been addressed with a formal enforcement action, but its violations have not been resolved. Lead Agency designated can be US EPA, State, Both, or No Lead Determined. If HPV History is blank, then the facility was not a High Priority Violator. V=Violation; S=Compliance Schedule.

AIR Compliance Status												
Statute:Source ID CAA: 0107300355	QTR1 Jan-Mar10	QTR2 Apr-Jun10	QTR3 Jul-Sep10	QTR4 Oct-Dec10	QTR5 Jan-Mar11	QTR6 Apr-Jun11	QTR7 Jul-Sep11	QTR8 Oct-Dec11	QTR9 Jan-Mar12	QTR10 Apr-Jun12	QTR11 Jul-Sep12	QTR12 Oct-Dec12
HPV History												
Program/Pollutant in Current Violation												
MACT (SECTION 63 NESHAPS)												
TITLE V PERMITS	S-MSched	S-MSched	S-MSched	S-MSched								
SIP	S-MSched	S-MSched	S-MSched	S-MSched								
NESHAP												
NSPS												

High Priority Violator (HPV) History section: "Unaddr" means the facility has not yet been addressed with a formal enforcement action. "Addrs"means the facility has been addressed with a formal enforcement action, but its violations have not been resolved. Lead Agency designated can be US EPA, State, Both, or No Lead Determined. If HPV History is blank, then the facility was not a High Priority Violator. V=Violation; S=Compliance Schedule.

CWA/NPDES Compliance Status													
Statute:Source ID CWA:AL0003247		QTR1 Jul-Sep09	QTR2 Oct-Dec09	QTR3 Jan-Mar10	QTR4 Apr-Jun10	QTR5 Jul-Sep10	QTR6 Oct-Dec10	QTR7 Jan-Mar11	QTR8 Apr-Jun11	QTR9 Jul-Sep11	QTR10 Oct-Dec11	QTR11 Jan-Mar12	QTR12 Apr-Jun12
Non-compliance in Quarter		No	Yes	unknown	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
SNC/RNC Status »		C (manual)	C (manual)	C (manual)	C (manual)	C (manual)	C (manual)	C (manual)	N (RptViol)	N (RptViol)	D (DMR NR)	N (RptViol)	
Effluent Violations by NPDES Parameter:													
View effluent charts for all parameters: [redacted]													
(or click on parameter names below for individual parameter charts)													
Discharge point:001													
pH	NMth				Lim Viol	Lim Viol							
BOD, carbonaceous, 05 day, 20 C	NMth								23%				
Solids, total suspended	Mthly				30%			13%					
	NMth		92%		114%						47%		
Toxicity (chronic), Ceriodaphnia dubia	NMth			unknown									
Discharge point:01B													
Cyanide, total (as CN)	Mthly									31%			
	NMth				21%					18%			
Nitrogen, ammonia total (as N)	NMth			37%			808%						

Effluent Violations are displayed as highest percentage by which the permit limit was exceeded for the quarter. **Bold, large** print indicates Significant Non-compliance (SNC) effluent violations. Shaded boxes indicate unresolved SNC violations.

RCRA Compliance Status													
Statute:Source ID RCRA: ALD000828848		QTR1 Jan-Mar10	QTR2 Apr-Jun10	QTR3 Jul-Sep10	QTR4 Oct-Dec10	QTR5 Jan-Mar11	QTR6 Apr-Jun11	QTR7 Jul-Sep11	QTR8 Oct-Dec11	QTR9 Jan-Mar12	QTR10 Apr-Jun12	QTR11 Jul-Sep12	QTR12 Oct-Dec12
Facility Level Status								In Viol	In Viol	In Viol	In Viol		
Type of Violation	Agency												
Universal Waste - Small Quantity Handlers	EPA							09/06/11-09/09/11					
Universal Waste - Small Quantity Handlers	EPA							09/06/11-09/09/11					
Generators - Pre-transport	EPA							09/06/11-09/09/11					
TSD IS-General Facility Standards	EPA							09/06/11-09/09/11					

Date

Generators - Pre-transport	EPA							09/06/11	>>>>>	>>>>>	04/09/12		
TSD IS-General Facility Standards	EPA							09/06/11	>>>>>	>>>>>	04/09/12		

The first date displayed for a RCRA Violation corresponds to the violation determination date, and the next to the resolution date (if the violation has been resolved).

Notices of Violation or Informal Enforcement - AFS, PCS, ICIS-NPDES, RCRAInfo (05 year history)

Statute	Source ID	Type of Action	Lead Agency	Date
CAA	0107300350	STATE/LOCAL NOV ISSUED	State	03/31/2009
CWA	AL-200040145	Notice of Violation	State	09/13/2010
CWA	AL-200063091	Letter of Violation/ Warning Letter	State	03/19/2012

Formal Enforcement Actions - (05 year history)

AFS, PCS, RCRAInfo, NCDB

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
CAA	0107300350	STATE/LOCAL CIVIL/JUDICIAL CONSENT DECREE	State	06/30/2010	$00	
CAA	0107300350	STATE/LOCAL ADMINISTRATIVE ORDER ISSUED	State	06/22/2009	$62,000	

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in *italics* are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.

ICIS

Primary Law/Section	Case Number	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
TSCA / §8	04-2008-2520	Administrative - Formal	EPA	SLOSS INDUSTRIES CORPORATION	05/20/2008	05/20/2008	$29,595	.	.	$8,000
CWA / §311B	04-2010-5016	Administrative - Formal	EPA	WALTER COKE, INC.	07/01/2010	07/01/2010	$500	.	.	$25,000
RCRA / §3008H	04-2012-4255	Administrative - Formal	EPA	WALTER COKE, INC.	09/17/2012	09/17/2012	.	.	.	$8,405,000

Federal enforcement actions and penalties shown in this section are from the Integrated Compliance Information System (ICIS-FE&C). These actions may duplicate records in the Formal Enforcement Actions section.

Environmental Conditions

Permit ID	Watershed	Watershed Name	Receiving Waters	Impaired Waters?	Combined Sewer System?
AL0003247	031601110006	Locust, Ala.	FIVE MILE CR	NO	No

TRI History of Reported Chemicals Released in Pounds per Year at Site:35207SLSSN35003

Chemical releases reported to TRI are provided for context and are not associated with non-compliance for that facility.

Year	Total Air Emissions	Surface Water Discharges	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Transfers	Total Releases and Transfers
2002	66,071	1,380			67,451		67,451
2003	92,888	3,678			96,566		96,566
2004	79,988	151			80,139		80,139
2005	38,911	646			39,557		39,557
2006	51,634	810			52,444	13,077	65,521
2007	72,661	360			73,021	1,195	74,216
2008	67,665	786			68,451	1,195	69,646
2009	55,984	618			56,602	2	56,604
2010	70,014	777			70,791		70,791

TRI Total Releases and Transfers by Chemical and Year

Chemical releases and transfers are in pounds except where otherwise noted.

Chemical Name	2002	2003	2004	2005	2006	2007	2008	2009	2010
CYANIDE COMPOUNDS	2,961	2,065	24,466	753	1,329	3,330	3,730	2,750	3,619
LEAD COMPOUNDS	130	174	163		1	1	1	1	2
POLYCYCLIC AROMATIC COMPOUNDS,	54	1,043	88	153	676	1,079	1,066	652	679
BENZENE	17,550	19,333	10,899	13,200	16,900	21,204	20,004	18,102	21,332
ETHYLENE	22,069	29,390	15,600	6,300	7,470	15,800	13,400	11,800	13,592
CARBON DISULFIDE		63							
PHENANTHRENE	28	4,255	19	127	470	781	781	455	483
NAPHTHALENE	665	5,095	2,770	1,010	1,730	2,000	1,990	1,480	2,299
QUINOLINE	24	25							
1,2,4-TRIMETHYLBENZENE		10	379			1	1		
ETHYLBENZENE	18	14							
STYRENE	20	152	208	174	174	145	201	144	163
1,3-BUTADIENE		515	232						
TOLUENE	1,828	4,867	5,475	3,230	4,437	7,803	7,503	5,300	6,892
PHENOL	4,132	7,216		1,433	3,000	3,726	3,226	2,270	1,340
N-HEXANE		1,469							
PROPYLENE	3,801	5,902	3,210	930	1,320	2,600	2,350	2,010	2,380
ANTHRACENE	7	5	1,136	28	132	202	202	130	134
DIBENZOFURAN	50	427	214	24	102	104	105		
CARBONYL SULFIDE		1,346	1,057						
CRESOL (MIXED ISOMERS)	2,560	1,071	1,469	150	160	226	176	142	317
XYLENE (MIXED ISOMERS)	823	398	1,136	479	13,870	1,424	1,294	750	973
MANGANESE	17	484							
ARSENIC	24	25							
CADMIUM	17	12							
HYDROCHLORIC ACID (1995 AND AF		52							
AMMONIA	10,673	11,158	11,600	11,566	13,750	13,790	13,616	10,618	16,586
SULFURIC ACID (1994 AND AFTER			18						

Demographic Profile of Surrounding Area (3 Miles)

Open more detailed information in a new window (links leave ECHO): 1 Mi 3 Mi or 5 Mi.

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not

Date

sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2000 US Census data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table(LRT) when available.

Radius of Area:	3 Miles	Land Area:	99.86%	Households in area:	15,623
Center Latitude:	33.561944	Water Area:	0.14%	Housing units in area:	18,353
Center Longitude:	-86.802333	Population Density:	1486.43/sq. mi.	Households On Public Assistance:	811
Total Persons:	41,962	Percent Minority:	80.53%	Persons Below Poverty Level:	14,150

Race Breakdown	Persons (%)	Age Breakdown:	Persons (%)
White:	8,366 (19.94%)	Child 5 years and less:	3,532 (8.42%)
African-american:	32,720 (77.98%)	Minors 17 years and younger:	11,287 (26.90%)
Hispanic-Origin:	701 (1.67%)	Adults 18 years and older:	30,677 (73.11%)
Asian/Pacific Islander:	121 (0.29%)	Seniors 65 years and older:	5,887 (14.03%)
American Indian:	49 (0.12%)		
Other/Multiracial:	376 (0.90%)		

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown:	Households (%)
Less than 9th grade:	2,793 (11.14%)	Less than $15,000:	6,229 (39.87%)
9th-12th grades:	7,298 (29.10%)	$15,000-$25,000:	2,989 (19.13%)
High School Diploma:	8,534 (34.03%)	$25,000-$50,000:	4,288 (27.45%)
Some College/2-yr:	4,789 (19.10%)	$50,000-$75,000:	1,304 (8.35%)
B.S./B.A. or more:	1,664 (6.64%)	Greater than $75,000:	758 (4.85%)

Notice About Duration of Violations -- The duration of violations shown on this report is an estimate of the actual duration of the violations that might be alleged or later determined in a legal proceeding. For example, the start date of the violation as shown in the ECHO database is normally when the government first became aware of the violation, not the first date that the violation occurred, and the facility may have corrected the violation before the end date shown. In some situations, violations may have been corrected by the facility, but EPA or the State has not verified the correction of these violations. In other situations, EPA does not remove the violation flag until an enforcement action has been resolved.

This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: AFS: 12/08/2012. RCRAInfo: 12/09/2012. NCDB: 10/27/2006. FRS: 12/06/2012. TRI: 02/07/2012. ICIS: 12/10/2012.

Some regulated facilities have expressed an interest in explaining data shown in the Detailed Facility Reports in ECHO. Please check company web sites for such explanations.

Releasable Gayla Uslu
NE-4 Date

Measure and Calculations for Volume of Contaminated Medium Addressed

With Respect to the Superfund And RCRA Corrective Action Programs

As Tracked by the
Office of Enforcement and Compliance Assurance

November 2003

1. Purpose

The purpose of this document is to provide guidance for the implementation of a Volume of Contaminated Medium Addressed measure in ICIS for Superfund and RCRA Corrective Action enforcement actions. In July 2003, the Office of Compliance requested comments on a proposal to develop a nationally consistent methodology for estimating pollutant reductions resulting from Superfund and RCRA Corrective Action enforcement actions. Generally, all the regions were supportive of a methodology based on the total volume of contaminated media addressed.

This document provides a brief background on the measure, describes the new volume-of-contaminated medium basis for the measure, identifies the methodologies that should be used to estimate the Volume of Contaminated Medium Addressed (VCMA) for various Superfund response actions and RCRA corrective actions.

2. Background

The estimated amount of pollutant reduced is one of the program performance measures employed by the EPA Office of Enforcement and Compliance Assurance (OECA) for media programs. The intent of this measure is to estimate how much pollutant will be reduced as a result of an enforcement action. Pollutant reduction data are tracked with other enforcement data in the ICIS database, which is independent of the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) database used by the Office of Superfund Remediation and Technology Innovation (OSRTI). The pollutant reduction field in ICIS addresses an enforcement-based measure under the Government Performance and Results Act (GPRA).

Historically, the Superfund and RCRA Corrective Action programs have had problems reporting pollutant reduction values. Nationally, there is a varying degree of accuracy and completeness with which the information is reported on the Case Conclusion Data Sheet (CCDS). While overall CCDS reporting improvements have occurred recently for the Superfund and RCRA Corrective Action programs, data quality improvements are needed in two major areas: (1) appropriate reporting of estimated pollutant reduction amounts for enforcement actions that involve remediation, treatment, and/or removal; and 2) use of adequate pollutant calculation technique consisting of standard units of measure. Inconsistent reporting in past years revealed that some Regions were attempting to report the amount of pure contaminant (e.g. pollutant) reduced while others were reporting the amount of contaminated medium (e.g. pollutant and soil). This problem was further compounded by:

- $ the use of differing methods for calculating the measure among regions, and between site projects;
- $ difficulty in making the estimates based on the methodologies proposed;
- $ confusion among regions as to how to address the measure in particular situations, and
- $ the use of differing units of measure (e.g. pounds, gallons) requiring conversion to a common unit of measure in order to summarize the data for GPRA reporting.

A workgroup was formed to examine the causes for concern and to suggest how the pollutant reduction measure and/or the procedures for reporting it could be modified to improve the completeness, quality and consistency of the data. The group sought to find alternative approaches that would be more appropriate to Superfund and RCRA Corrective Action, and lead to data that is more complete and consistent from region to region.

1. Changing the Basis for the Pollutant Reduction Measure

3.1 Considerations for an Effective Measure for Superfund and RCRA Corrective Action

In modifying the approach from a measure of pollutants reduced to volume of contaminated medium addressed, the following important characteristics were considered:

- $ Superfund and RCRA Corrective Action cleanups most-often address contaminants already in the environment. The characteristics of the media that are contaminated can be just as important as the characteristics and quantity of the contaminant itself. An effective measure of pollutants reduced in the Superfund and RCRA Corrective Action context therefore ideally reflects an amount of actual environment that no longer poses a health risk due to contamination.
- X Pollutant reduction data from the Superfund program is tracked in multiple databases. The pollutant reduction measure should be consistent with the requirements for pollutant tracking in WasteLAN (CERCLIS).

X The technical calculation used for the measure should result in a value that reasonably represents the basis of the measure (e.g. if the basis of the measure is volume of medium, then a calculation should be available that results in a representative value for the actual volume of medium).

X The measure should be easy to understand.

X The measure should be clear and fairly easy for EPA staff to derive from data readily available from routine field investigations at the time that the Case Conclusion Data Sheet is to be filled out.

3.2 The Former Concept of Mass-of-Contaminant as a Basis for the Measure

The mass of contaminant removed or reduced was previously used at times to measure pollutant reduction data in Superfund and RCRA Corrective Action enforcement matters and is currently the basis of this measure for enforcement matters under other environmental statutes. The measure typically refers to the actual mass of the contaminant (for instance, benzene or trichloroethylene) that is removed, destroyed, or prevented from entering the environment due to a particular enforcement action. It does *not* refer to the mass of *medium* (soil, vapor, water, etc.) but to the mass of the contaminant *within* a medium or *before entering* a medium. An example might be that as a result of an air enforcement action compelling stack scrubber technology, EPA has prevented 5000 tons of NOx emissions from entering the atmosphere. In Superfund and RCRA Corrective Action cases, a mass-based indicator typically would imply measuring and summing the total mass of contaminant present in soil, water, vapor, non-aqueous phase liquids (NAPL), sediment, etc. that will be removed or addressed by a response or corrective action. Wider adoption of this method was considered as a primary method and decided against in development of this guidance.

3.3 A Mass-of-Contaminant-Based Measure Is Not The Best Option For Remediation Programs

A mass-of-contaminant based measure generally does not meet the criteria outlined in 3.1 above as well as a volume-of-medium approach. First, remedies at Superfund sites and RCRA Corrective Action facilities/sites typically address complexities associated with contaminated media, not merely the contaminating chemicals themselves. Contaminants are often found in the environment in more than one medium (soil, water, air, fractured rock) and in multiple inter-related phases (as vapor, stuck to soil (sorbed phase), dissolved in water, or as pure undissolved liquid (non-aqueous phase liquid, or NAPL). Although the total mass of contaminant at a site is divided among these media and phases, the mass-based measure was not designed to address these complexities. It is exceedingly difficult and often impossible to measure the total site contaminant mass. In situations where it may be possible, doing so requires technically complex measurements that are not generally needed or acquired in the Superfund or RCRA investigation and cleanup process. Thus, measuring contaminant mass that has already entered the

environment is often difficult and frequently cannot be achieved with readily available data (See Appendix A).

Second, the calculations that had been tried for calculating contaminant mass did not provide representative values for mass (see Appendix A). Third, a measure based on contaminant mass is not a good indicator of the remediation achieved. Mass does not reflect the size of the problem, nor the nature of the environment in which the contaminant is situated. Lastly, a measure based on contaminant mass is significantly different than Superfund measures required for CERCLIS, which measure pollutant reduction based on volume. Those wishing more discussion on the difficulties associated with the mass-based approach to pollutant reduction should consult Appendix A.

3.4 The Concept of Volume of Contaminated Medium as a Basis for the Measure

Given the difficulties associated with calculating and using contaminant mass as a basis for pollutant reduction, particularly in situations where contaminants have already entered the environment and reside in one more environmental media, ***volume of contaminated medium addressed*** will be used as the basis for the measure for Superfund and RCRA Corrective Action enforcement actions. Under this basis, the focus of the measure is on estimating the physical space (volume) that EPA's selected response or corrective action will address in order to achieve protection of human health and the environment. This basis does not require that the person calculating the measure be able to separate the amount of mass inside each of many separate media (water, stuck to soil, etc.) and among many contaminant phases (e,g, solid, liquid, gas). The volume-based measure is much easier to calculate with readily available information, and easier to understand. Finally, the volume-based approach is more consistent with the measures and indicators used in CERCLIS, which are volume-based and not mass-based.

It is recognized that no single indicator can provide all the information about a Superfund or RCRA facility/site, and this measure is no exception. The amount of volume addressed by a response or corrective action does not indicate, for instance, the degree of total risk reduction, or whether the response or corrective action permanently destroyed, converted the form, or contained the contaminant. Nor does it reflect the cost. These should not be viewed as shortcomings of the measure, but rather as identifying needs for other measures to tell the full story of Superfund and RCRA Corrective Action accomplishments. As such while the volume-of-contaminated medium basis has limitations, it is preferable in comparison to the mass-of-contaminant-based measure.

4. Calculating the Volume of Contaminated Medium Addressed Measure

While the basis for this measure has been modified to address the most-common situations that arise at Superfund sites and RCRA Corrective Action facilities/sites (e.g. groundwater contamination, soil contamination) there are circumstances that differ from these. Also volume of contaminated medium could be interpreted several different ways. Because of these factors, fairly specific rules are needed for how to use and calculate the measure. At the same time, one of the objectives of this change to the measure is to make it easier to calculate with available information. To this end, an attempt has been made to be precise about the definition of the volume itself while not being overly prescriptive in defining how the volume is calculated, particularly when there may be several legitimate ways of calculating the volume depending on the situation in the field. For example, a project manager may have several different ways that legitimately allow for an estimate of the volume of soil addressed by a removal action (e.g. number of filled trucks that drove out the gate times the volume of each truck, or the known depth times the area of the soil contamination). The best method will depend on the specifics of the site and the data that are available to that project manager.

The following provides the definition of the measure, general guidance elements, and then guidance specific to particular types of Superfund response actions and RCRA corrective actions.

4.1 General Definition

Under this guidance, "Volume of Contaminated Medium Addressed" refers to:

> ***The volume of environmental medium that is subject to the Superfund response action or RCRA corrective action, such that, at the conclusion of the action, human health and the environment are protected in accordance with the statutory mandate for Superfund or RCRA Corrective Action.***

The focus is on the physical space that is addressed by the response or corrective action. As an example, for soil and groundwater remedies, the volume of medium measures the volume of soil or aquifer subject to the response or corrective action. In the case of soil contamination, the volume of contaminated medium is the volume of soil subject to removal or treatment. In the case of groundwater contamination, the volume of contaminated medium is the volume of physical aquifer (not water, but entire formation) that will be addressed by the response or corrective action. These are further elaborated in the sections that follow.

4.2 General Questions and Answers About Calculating the Measure

This section provides important guidance on general questions pertaining to when and how the measure is calculated. The next section provides guidance specific to each response action category.

When and with what data is the measure calculated?

X For Superfund remedial actions, at the time an enforcement document is finalized (e.g. issuance of a unilateral order or corrective action order, signing of an agreement on consent or consent decree) using data available from the remedial investigation, feasibility study, and/or record of decision (or any other relevant data).

X For Superfund non-time critical removal actions, at the time an enforcement document is finalized using data available from the engineering evaluation/cost analysis, and/or the action memorandum (or any other relevant data).

X For Superfund time-critical removal actions, at the time an enforcement document is finalized using data available from the action memorandum (or any other relevant data). Sometimes few data are available for such cases at the time of the action memorandum. If insufficient data exist for an estimate at the time of the action memorandum, the value for the measure should be entered at the soonest practical time after the settlement as data are available to calculate the measure; with the caveat that the best available value for the measure should always be entered in the same fiscal year in which the enforcement document is finalized.

X For RCRA corrective actions, at the time an enforcement document is finalized using data available from RCRA inspections or corrective action investigations.

Over what time period is the measure calculated?
The volume of contaminated medium measure includes the total volume of medium anticipated (as of the enforcement action or settlement necessitating the CCDS) to be addressed by the response action *at its completion*. As an example, if a Superfund record of decision requires cleanup of the groundwater plume to MCLs, then the total volume of aquifer presently above MCLs is what is reported; this is what will be addressed at the completion of the cleanup.

This is a change from the previous requirement to report the first year's worth of pollutant reduction data once the response action or corrective active had been fully implemented.

How is the measure addressed if there are multiple response actions under the same enforcement action?
The calculation of the Volume of Contaminated Medium Addressed measure is to be made on a *response-action specific (or corrective action-specific) basis*. For each different physical response or corrective action among the protocols discussed below, the CCDS will accept one estimate for the measure. For example, if there is a groundwater cleanup and a soil removal under the same enforcement action, each will have its own measure value.

How is the measure addressed if there is a response action or corrective action for Non-aqueous Phase Liquid (NAPL) within a groundwater cleanup?
Many sites may have a groundwater cleanup such as pump-and-treat, within which is a small subset volume in which NAPL is being recovered; for instance, by steam-injection. In such cases, NAPL recovery is one response (or corrective) action and groundwater cleanup is another, so both are reported with separate values for the measure. Even though the volume of the NAPL recovery resides entirely within the volume for the groundwater cleanup, the purpose,

application, contaminant-phase targeted, cleanup technology, and cleanup goals of the former differ entirely from the latter; so both are counted.

Is the measure to be calculated for enforcement cases securing investigation work?
No. The Volume-of-Medium Addressed Measure is only calculated in association with settlements that secure physical response action or corrective action work.

Is the measure to be calculated for institutional controls?
No estimate of the measure should be provided for institutional control remedies or the portions of remedies that may involve solely institutional controls. Such cases do not directly and physically address contaminants, and determining a volume to associate with such controls would be difficult to do in any consistent way.

Is the measure to be calculated for cash-out settlements?
No estimate of the measure should be provided for cash-out settlements or for the portions of settlements which are cash-outs. Such cases do not directly and physically address contaminants, and determining a volume to associate with the cash proceeds would be difficult to do in any consistent way.

Is the measure to be calculated for containment remedies?
Yes. Containment is a critical tool to EPA for addressing contamination. The situation-specific protocols below (Section 4.3) provide methods for calculating the measure in containment situations.

Is the measure to be calculated for monitored-natural-attenuation (MNA) remedies or other "passive" remedies?
Yes. MNA remedies are not the same as no-action remedies. When MNA is employed, biodegradation is relied upon as a physical process to achieve remedial goals. The situation-specific protocols below (Section 4.3) provide methods for calculating the measure in MNA situations. It is noted also that MNA can be used either for containment or for reduction in the size of the contaminated groundwater plume. So, MNA is not synonymous with containment, either.

Is the measure to be calculated for true no-action remedies?
No. No action remedies, by definition, are a determination that no physical cleanup action will be taken, no natural process will be relied upon, and no cleanup standards will be applied. Therefore, there is no volume of contaminated medium addressed to report.

What if the response action addresses only part of the contamination?
The measure is only to report the volume of medium that is addressed by the action. The excess volume is not counted in the measure.

What is a "Point of Entry Control Remedy" and how does it apply to the measure?
Some Superfund response actions and RCRA corrective actions do not focus on cleaning up a medium that is already contaminated to a particular goal, but rather, focus on keeping a certain amount of contaminants from entering a medium. In such a case, the medium is indirectly

positively affected, but the objective of the response action is not to attain a particular standard for the medium, but rather a standard for how much to keep *out* of the medium. It is not appropriate to count the volume of the entire medium, and other methods are needed for the measure. Examples of these are mining drainage diversion and mining waste drainage treatment remedies, and vapor intrusion remedies.

4.3 Response Action-Specific Protocols for Calculating the Measure

This section contains a table that provides a summary of measures and methodologies for estimating volume of contaminated medium addressed in various cleanup situations that are common to Superfund and RCRA Corrective Action. If more than one of these situations occurs at the same site, separate estimates should be made for each.

In order to maintain brevity, in this section the term "response action" is intended to mean "Superfund response action or RCRA corrective action," unless otherwise specified.

The following response action categories are covered in this section:

1. Soils (including mine tailings) Response Actions
2. Groundwater Hydraulic Response Actions
3. Landfill Response Actions
4. Soil Vapor Extraction Response Actions
5. Vapor Intrusion (Point of Entry Control) Response Actions
6. Non-Aqueous Phase Liquid (NAPL) Recovery Response Actions
7. Sediment Response Actions
8. Surface Water Response Actions
9. Mine Drainage Diversion and Treatment (Point of Entry Control) Response Actions
10. Container (e.g. Drum) and Large Debris Removal

These categories will address a large percentage of Superfund response and RCRA corrective actions. However, because the number of possible actions is so varied and extensive, occasionally there will be situations that do not fit into one of these categories. In such cases, consultation with the Office of Compliance is strongly recommended. Such consultations will enable us to develop consistent approaches for these less common actions.

1: Soils Response Actions	
What is included: (Examples) Actions addressing soil, fine-grained buried debris such as fine foundry slag, crushed aggregate, mine tailings, excavation under surface impoundments and RCRA units; including excavation with treatment followed by replacement or disposal, in-situ treatment, capping, soil containment, stabilization	**What is not included: (Examples)** Aqueous sediments, landfills, drum removals, large-scale debris, NAPL (see later categories)
Target of this measure category: Physical volume of soil, fine debris, or tailings that are being addressed (treated, removed, capped, stabilized) by the response action	**Units for reporting this measure:** Cubic yards Useful conversion factors: 1 cubic yard = 27 cubic feet 1 cubic foot = 0.037 cubic yards 1 acre = 4840 square yards

Methodology for calculating the measure:

Use available data on the physical extent (area and depth) of soil within which the contamination resides, determine what subset of this soil will be excavated, treated, stabilized, or otherwise addressed, and report the volume of this soil. This may be a simple length times width times depth calculation, or another 3-dimensional volume-of-solid calculation (e.g. formula for cone, sphere), and/or the volume may need to be broken into subvolumes that are then added together. If soil has already been excavated and placed in rail cars or trucks, it is permissible to calculate the volume based on the volume of each rail car or truck times the number of cars or trucks. If soil is excavated and passed through a batch treatment unit, it is permissible to calculate the number of batches times the volume of the unit. (See explanations and notes, below).

Additional methodology elements for special cases:

If the soils are capped, calculate the volume of contaminated soil physically beneath the cap, based on the best information available.

Explanations and notes:

(1) After soils are excavated, they often occupy a larger volume in the truck than they did in the ground. This is referred to as a swell factor, and is typically on the order of a few tens of percent. However, this difference is relatively small compared to the margins of error for this type of measurement. Therefore, it is permissible to measure the volume either in-situ or after excavation, whichever is more readily available based on the situation at the site.

(2) Note that the method specifies defining the physical extent of the soil within which the contamination resides, as opposed to the extent of "contaminated soil." This is intentional. There is no way to have perfect knowledge of contamination at every point in a block of soil. There may be, therefore, small areas within the block that are not contaminated. As there is no way to segregate these discontinuous chunks of uncontaminated soil from the rest, the entire block needs remediating. Hence, the volume of the entire block is reported.

2. Groundwater Response Actions

What is included: (Examples)	**What is not included: (Examples)**
Actions affecting cleanup of the various phases and media in a groundwater system by removing, destroying or containing contaminants in the dissolved and sorbed phase from below the water table, including pump-and-treat, monitored natural attenuation/ biodegradation, reactor trenches, in-situ groundwater treatment, hydraulic containment of NAPL (not NAPL recovery itself - see Category 6; see also Explanations and Notes, No. 2, below)	The volume of water extracted and treated (*see notes, below), non-aqueous phase liquid *recovery* (see Category 6; see also Explanations and Notes No. 2, below)
Target of this measure category: Physical volume of aquifer formation, including matrix, water, and contaminant (*not* just the water) that is contaminated above ROD cleanup standards and will be subject to the response action.	**Units for reporting this measure:** *Thousands* of Cubic Yards ($1000 \cdot yd^3$) Useful conversion factors: 1 cubic yard = 27 cubic feet 1 cubic foot = 0.037 cubic yards 1 acre = 4840 square yards 1 square mile = 3,097,600 square yards 1 square mile•foot = 1,032,533 cubic yards 1 cubic mile = 5,451,776,000 cubic yards

Methodology for calculating the measure:

1. Assemble a contaminant icoconcentration contour map ("plume map") for each hydrostratigraphic unit (aquifer layer), and collect the information available on the thickness of each unit.

2. For each unit, calculate either: (1) the physical area which lies within the icoconcentration contour defining the ROD cleanup standard the system will achieve, or (2) the area which will be treated or addressed by the groundwater treatment system or response action in that unit. These two calculations should provide similar results.

3. For each unit, multiply the area derived in (2) by the average thickness of that unit to get a volume for that unit (see Explanations and Notes No. 2, this category, below).

4. Add the volumes derived in (3) for each of the units involved to get a total volume.

5. Convert the volume to cubic yards and divide by 1000 to get the reporting volume in 1000s of cubic yards.

Continued on top of next page...

3. Landfill Response Actions

What is included: (Examples) Actions addressing landfills, dumps, waste piles, contents of impoundments	**What is not included: (Examples)**
Target of this measure category: Physical volume of soil, waste or debris that is being addressed (treated, removed, capped, stabilized) by the response action	**Units for reporting this measure:** Cubic yards Useful conversion factors: 1 cubic yard = 27 cubic feet 1 cubic foot = 0.037 cubic yards 1 acre = 4840 square yards

Methodology for calculating the measure:

Use available data on the physical extent (area and depth) of the landfill within which the contamination resides, determine what subset of this waste will be excavated, treated, stabilized, or otherwise addressed, and report the volume of this waste. This may be a simple length times width times depth calculation, or another 3-dimensional volume-of-solid calculation (e.g. formula for cone, sphere), and/or the volume may need to be broken into subvolumes that are then added together.

The most common type of landfill response action is a landfill cap. For this case, calculate the volume of waste physically beneath the cap, based on the best information available. If contaminated waste does not extend below a certain depth and this depth is known, do not count the volume of waste below this depth. Otherwise, if contamination may extend to the bottom of the landfill, report the volume of the landfill (to the bottom) that lies under the cap.

Additional methodology elements for special cases:

1) If waste has already been excavated and placed in rail cars or trucks, one may calculate the volume based on the volume of each rail car or truck times the number of cars or trucks. Or, if excavated and passed through a batch treatment unit, one may calculate the number of batches times the volume of the unit (see explanations and notes, this category, below).

(2) If the landfill is capped and there is soil contamination in the native material under the landfill, this volume of soil is also addressed by the cap and may be included as a soil volume under Category 1, above.

(3) If the landfill is excavated and there is soil contamination in the native material under the landfill, this latter volume of soil may be included as a soil volume under Category 1, above.

Explanations and Notes:

(1) After wastes are excavated, they may occupy a larger volume in the truck than they did in the ground. However, this difference is relatively small compared to the margins of error for this type of measurement. It, therefore, is permissible to measure the volume either in-situ or after excavation (in landfill excavation cases), whichever is more readily available based on the situation at the site.

(2) Note that the method specifies defining the physical extent of the waste within which the contamination resides, as opposed to the extent of "contaminated waste." This is intentional. There is no way to have perfect knowledge of contamination at every point in a volume of waste. There may be, therefore, small areas within the block that are not even contaminated. As there is no way to segregate these discontinuous chunks of uncontaminated waste from the rest, the entire block needs remediating. Hence, the volume of the entire block is reported.

4. Soil Vapor Extraction (SVE) Response Actions

What is included: (Examples)	What is not included: (Examples)
Actions where soil vapor extraction is employed to reduce soil concentrations within soils (or shift residual phase contaminants to the vapor phase for removal) above or at the water table.	Actions where soil vapor extraction is employed *solely* to control vapor intrusion, i.e. with no cleanup goals for the soils but merely the goal of keeping vapors out of a building or other structure; also, where landfill gas collection (see vapor intrusion remedies, next section) is employed.
Target for this measure category: Total physical volume of soil that will be subject to reduction in concentrations due to SVE; volume of soil subject to vacuum to achieve vapor recovery with SVE.	**Units for reporting this measure:** Cubic yards Useful conversion factors: 1 cubic yard = 27 cubic feet 1 cubic foot = 0.037 cubic yards 1 acre = 4840 square yards

Methodology for calculating the measure:

Use available data on the physical extent (area and depth) of contaminated soil which the ROD or action memorandum requires be cleaned by SVE. This may be a simple length times width times depth calculation, or another 3-dimensional volume-of-solid calculation (e.g. formula for cone, sphere), and/or the volume may need to be broken into subvolumes that are then added together.

Alternately, calculate the summed volumes of the spheres of effective pneumatic influence of the planned SVE extraction wells that will be required in order to meet ROD requirements and achieve protection of human health and environment. Do not include volumes of contamination that will not be subject to the implementation of SVE and/or do not lie at concentrations above ROD-based standards.

5. Vapor Intrusion Response Actions (Point of Entry Control)	
What is included: (Examples) Actions where a technology is employed *solely* to control vapor intrusion, i.e. with no cleanup goals for the soils but merely the goal of keeping vapors out of a building or other structure; also, landfill gas collection - pulling gas collecting under a landfill cap to prevent escape from the cap, with no associated cleanup target for the waste in the landfill	**What is not included: (Examples)** Actions where SVE is employed to evoke a reduction in the concentration of contaminant in the soil, not merely to control escape or entry into another medium (see Category 4, above).
Target for this measure category: Physical volume of air/vapor which will be diverted or treated by the vapor intrusion control system over its expected lifetime.	**Units for reporting this measure:** Cubic feet of soil vapor Useful conversion factors: 1 meter = 1.093 yards 1 cubic meter = 1.31 cubic yards 1 cubic meter = 35.31 cubic feet 1 cubic meter/sec = 35.31 cubic feet/sec 1 cubic yard = 27 cubic feet 1 year = 31,536,000 seconds

Methodology for calculating the measure:

1. Calculate the expected average volumetric flow rate of the system over the duration the system is expected to run (this may be expressed in cubic feet per second (cfs).

2. Estimate the duration of time the system is expected to run (often expressed in months or years).

3. After converting units to be consistent (convert years to seconds or vice versa, for instance), multiply the result from (1) by the result from (2) to get total cubic feet of soil vapor that will be diverted or treated.

There may be significant uncertainty in the duration of the system as well as the average flow rate, particularly if the duration of the system is expected to be very long or is listed as "indefinite." Best professional judgement will be necessary in these cases.

Explanations and notes:

In the case of residential vapor intrusion, a system runs to collect vapors and keep them from entering, for instance, a house. In landfill gas collection systems, a system removes collected gas and keeps it from entering the atmosphere, or pressing out and entering buildings. These systems do not clean the air in a house, the atmosphere, or the soil, per se, but prevent vapors from entering these. In these cases, it is not appropriate to claim a volume of house or atmosphere or soil cleaned because the goal of the response action or corrective action is not to clean an environmental medium but rather to prevent contamination from entering a medium. Therefore, it is more appropriate to fall back on a volume of air/vapor prevented from entering, for example, the house, or the atmosphere.

6. Non-Aqueous Phase Liquid (NAPL) Recovery Response Actions

6. Non-Aqueous Phase Liquid (NAPL) Recovery Response Actions

What is included: (Examples)	**What is not included: (Examples)**
Actions which are aimed at recovery of contaminant residing in the *residual* phase (NAPL). Examples include excavation of NAPL-impacted soil, NAPL recovery extraction wells, NAPL flushing and recovery, steam injection with vapor and liquid recovery, electrical resistance heating with vapor recovery, oxidant or alcohol injection with liquid recovery, bioremediation of NAPL-impacted soils.	Groundwater actions that hydraulically contain water around the NAPL but do not seek to directly recover residual NAPL (See notes below; see also Category 2 above on groundwater response actions)
Target for this measure category: The physical volume of formation impacted with NAPL that will be subject to the recovery technology. The physical volume of the zone in which NAPL is known to occur and in which a response action will be applied to address it.	**Units for reporting this measure:** Cubic yards Useful conversion factors: 1 cubic yard = 27 cubic feet 1 cubic foot = 0.037 cubic yards 1 acre = 4840 square yards

Methodology for calculating the measure:

1. From the best available information, identify the 3-dimensional zone at the site inside which NAPL occurs and to which the selected NAPL recovery technology will be applied. There is often extreme heterogeneity in NAPL distribution - the goal is to identify the smallest boundary within which it is reasonably known that the NAPL, where it occurs, lies inside the boundary, and within which the NAPL recovery technology will be applied. Do not count NAPL volume outside the area to which the recovery system will apply.

2. Calculate the volume of the zone in (1) either as a simple area times depth calculation, or as the sum of multiple subvolumes that are then added together.

3. If there are large-scale discrete and disjoint NAPL areas within the site that will be subject to the NAPL recovery technology (i.e. where no NAPL recovery will occur between such discrete areas), calculate a volume for each such area separately and sum the volumes for each of the areas to come up with a total volume.

Additional methodology elements for special cases:
A cap over a NAPL-impacted area should be calculated as a cap over impacted soils per Category 1 above.

CONTINUED...

6. Non-Aqueous Phase Liquid (NAPL) Recovery Response Actions

Continued...

Explanations and notes:

(1) It is exceedingly difficult, and often impossible, to identify all locations within a block of ground at a site in which NAPL resides at a site. NAPL is typically distributed in a very heterogeneous way - it may vary from pure product to clean soil and back over very small distances of a few feet or less. It is not practical to determine the exact distribution of NAPL on a micro-scale or to apply NAPL remedies to exactly the micro-areas where NAPL occurs but not where NAPL does not occur. Rather, the response action must be applied to an overall area within which it is known that the NAPL occurs. This is the volume that should be reported. It is noted, however, that disjointed NAPL areas on a large scale should be computed as distinct volumes that are then summed.

(2) Actions that hydraulically remove water (e.g. pump and treat) from a zone around NAPL are often referred to as "NAPL containment" remedies. However, there is danger in this terminology because such remedies are actually dissolved phase remedies and need to be contrasted with remedies that actually recover NAPL in the residual phase. If the goal of the response action or corrective action is the physical removal of NAPL from the ground, use this category. If the goal of the response action or corrective action is containing contaminants dissolved in water around the NAPL from escaping, use the Groundwater Response Action Category No. 2, above.

(3) If the volume impacted NAPL lies entirely within the volume being counted for a hydraulic groundwater cleanup (such as within the capture zone of a pump and treat system), the NAPL volume still should be counted because NAPL recovery and groundwater pump and treat are focused on two different phases of contaminant, usually require entirely separate feasibility study analyses, and are two distinct response actions. A groundwater hydraulic response action achieves a different set of environmental conditions than does NAPL recovery. As the measure is response-action based, it is appropriate to report both volumes, even though one lies within the other in physical space.

(4) The method does not call for calculating the volume of NAPL itself - rather, the volume of NAPL-impacted formation, which will include soil, NAPL, soil moisture, etc.

7. Sediments Response Actions

What is included: (Examples)	What is not included: (Examples)
Actions addressing sediments along streams, rivers, lakes, drainage pathways, drainage conveyances (sewers), wetlands, shorelines, and waterway dredge materials. Includes excavation with treatment and replacement or disposal, in-situ treatment, capping, soil containment, stabilization	Landfills, general soils (see Category 1 and Category 3)

Target for this measure category: Physical volume of sediments to be addressed by the response action	**Units for reporting this measure:** Cubic yards Useful conversion factors: 1 mile = 5280 feet = 1760 yards 1 cubic yard = 27 cubic feet 1 cubic foot = 0.037 cubic yards 1 acre = 4840 square yards

Methodology for calculating the measure:
Use available data on the physical extent (area and depth) of sediments that are affected by contamination *and* that will be subject to the response action (excavated, treated, capped, etc.).

1. For rivers, streams, shorelines, drainages, and drainage conveyances, determine the average downstream cross-sectional area of the sediment that will be subject to the response action - in general, in the plane perpendicular to the water body. If necessary, divide the sediment into several reaches such that the variation in cross-sectional area within each reach is small.

2. Calculate the length of the overall reach of sediment that will be subject to the response action. If multiple reaches are being used, calculate the length of each reach (typically parallel to the water body).

3. Multiply the area by the average-cross sectional area to determine a volume of sediment material. If multiple reaches are being used, calculate a volume for each reach and sum them for a total volume.

Alternately, if sediment has already been excavated and placed in rail cars or trucks, it is permissible to calculate the volume based on the volume of each rail car or truck times the number of cars or trucks. If sediment is excavated and passed through a batch treatment unit, it is permissible to calculate the number of batches times the volume of the unit.

Additional methodology elements for special cases:

For lake bottoms, wetlands, and dredge materials, the above method may not be appropriate. Use the best available knowledge of the depth and surface areal dimensions of the sediment to determine a volume for the sediment. Subdivide the volume and sum the subvolumes as necessary for a more reasonable estimate.

If soil lying under the sediment is contaminated and will be subject to the response action, a separate volume estimate for the soil can be made using Category 1 above.

Explanations and notes:
See notes from Category 1 regarding swell factor.

8. Surface Water Response Actions

What is included: (Examples) Actions aimed at reducing concentrations of contaminants or containing contaminants in surface water bodies, including lakes, rivers, streams, lagoons, ponds, water in wetlands, ocean	**What is not included: (Examples)** Groundwater, sediments, mine drainage diversion and/or treatment remedies
Target for this measure category: Physical volume of water, in-situ, within the surface water body that is contaminated *and* that will be addressed (contained or reduced in concentration) by the response action.	**Units for reporting this measure:** Gallons Useful conversion factors: 1 cubic yard (liquid) = 201.97 gallons (U.S.) 1 cubic foot (liquid) = 7.47 gallons (U.S.) 1 acre-foot = 325852 gallons (U.S.)
Methodology for calculating the measure: Because of the wide variety of surface water bodies, there is no single calculation that will address all of them. The volume of the surface water body that is contaminated and will be addressed should be targeted and reported.	
Additional methodology elements for special cases: If soil or sediment lying under the water is contaminated and will be subject to a response action, a separate volume estimate for the soil or sediment can be made using Category 1 and/or Category 7 above.	
Explanations and notes: Water within the water body that is not contaminated should not be reported, nor should water that is contaminated but will not be addressed by the response action. For example, if a certain amount of ocean or lake water will be infused with microorganisms that will biodegrade a contaminant as they fall through the water column, only the volume of water in the area being treated would be reported, not the volume of the entire ocean or lake. Alternately, if the entire water body is contaminated, and treating a particular area will result in an attending decrease in the contaminant concentration for the entire water body, then the volume of the entire water body may be reported.	

9. Mine Drainage Diversion and/or Treatment Response Actions (Point of Entry Control)

What is included: (Examples)	**What is not included: (Examples)**
Actions that water draining from a mine will be diverted from its natural course so as to keep the drainage from entering a surface water body; or, where such drainage is intercepted and treated prior to being released into the surface water body. Such actions are implemented *solely* to limit drainage at its point of entry into the surface water body. There are no cleanup goals for the surface water body itself.	Actions that result in direct treatment to a surface water body (see Category No. 8); actions that result in direct removal or treatment of mine tailings; actions that contain cleanup requirements for the mine materials themselves, as opposed to preventing drainage from such materials from entering a surface water body.
Target for this measure category: Physical volume of drainage water that will be diverted or treated by the mine drainage diversion and/or treatment system over its expected lifetime.	**Units for reporting this measure:** Gallons Useful conversion factors: 1 meter = 1.093 yards 1 cubic meter = 1.31 cubic yards 1 cubic meter = 35.31 cubic feet 1 cubic meter/sec = 35.31 cubic feet/sec 1 cubic yard = 27 cubic feet 1 year = 31,536,000 seconds 1 cubic yard (liquid) = 201.97 gallons (U.S.) 1 cubic foot (liquid) = 7.47 gallons (U.S.) 1 acre-foot = 325852 gallons (U.S.)

Methodology for calculating the measure:

1. Calculate the expected average volumetric flow rate of the system over the duration the system is expected to run (this may be expressed in cubic feet per second (cfs)).

2. Estimate the duration of time the system is expected to run (often expressed in months or years).

3. After converting units to be consistent (convert years to seconds or vice versa, for instance), multiply the result from (1) by the result from (2) to get total cubic feet of water that will be diverted or treated.

There may be significant uncertainty in the duration of the system as well as the average flow rate, particularly if the duration of the system is expected to be very long or is listed as "indefinite." Best professional judgement will be necessary in these cases.

Explanations and notes:
In the case of mine drainage diversion or treatment systems, the system collects (and either treats or diverts) water contaminated with metals an and minerals leaching out of the mine that would otherwise drain into a surface water body. These systems do not clean the surface water body (e.g. a stream or river) directly but prevent drainage from entering.. In these cases, it is not appropriate to claim the volume of the stream, nor is it appropriate to claim the volume of all the mining waste inside the mountain. Neither of these is the target of the response action. It is therefore more appropriate to use the volume of water prevented from entering the surface water medium.

10. Container (e.g. Drum Removal) and Large Debris Response Actions	
What is included: (Examples) Drum and other container removal, as-is or after lab pack; excavation and disposal or stabilization of large-scale objects, including uncrushed footings, pipes, tanks, etc.	**What is not included: (Examples)** Fine slag material or soils, crushed aggregate, waste in landfills, sediments
Target for this measure category: Volume of material removed in containers; volume of large-scale material removed and/or stabilized or disposed	**Units for reporting this measure:** Cubic yards Useful conversion factors: 1 cubic yard (liquid) = 201.97 gallons (U.S.) 1 cubic foot (liquid) = 7.48 gallons (U.S.) 55 gallons (U.S.) = 0.272 cubic yards (liquid) 55 gallons (U.S.) = 7.35 cubic feet (liquid)
Methodology for calculating the measure: For each drum or container removed or addressed, count the volume of the container and sum all containers. For small numbers of large-scale objects, estimate the volume of each object removed and sum the volumes for all objects. If objects are numerous, the volumes for bulk shipment from manifests or billings can be used.	
Explanations and notes: Where drums are involved, it is not necessary to open every drum and determine what portion of the drum is full (which could pose a danger to workers and impose needless costs to the operation); instead, each drum may be counted as a volume of 55 gallons (or whatever capacity the drum has). If, however, drums have been opened in the course of the action and records kept of actual volume of material inside each, then the more accurate volume data should be used in the estimate.	

Re[illegible] Gayla Uslu

NE 6 Date

ADMINISTRATIVE ACTION DATA SHEET

(To Be Submitted to OEA When:
(1) A Complaint is Filed;
(2) When a CAFO(b) is Filed, Along with a Case Conclusion Data Sheet;
(3) A Non-Penalty (Compliance) Order is Issued, Along with a Case Conclusion Data Sheet

1. Court Docket/Regional Hearing Clerk Docket No. RCRA-04-2012-4255

2. Case Name/Site Name Walter Coke, Inc.

Lead EPA Attorney Joan Redleaf Durbin Phone No. 404-562-9544

EPA Program Contact Meredith Anderson Phone No. 404-562-8608

FACILITY INFORMATION

(Please Complete This Section For **EACH** Facility)
(Use Location of Site of the Violation. Do **NOT** Use a P.O. Box Number.)

9. Facility Name Walter Coke, Inc.

10. Street Address 3500 35th Avenue North County Jefferson

City Birmingham State Alabama Zip (REQUIRED) 35207

Primary 4-Digit SIC Code _____ Other 4-Digit SIC Codes _____, _____

EPA FRS or **ICIS** No. _____

Latitude: 33° 34' 30" Longitude: 86° 47' 30"
(In Decimal Degree Format)

Is This Indian Land? _____Yes __X__No
If Yes, What Tribe? _____

Is This a Small Business? _____Yes __X__No
("A Person, corporation, partnership, or other entity that employs 100 or fewer employees.")

Please select one:
_____Federal Facility
__X__No Federal Facility Involvement
_____Non-Federal Party Impacting Federal Property

Note: Question Numbers Correspond With the Case Conclusion Data Sheet Guidance Booklet, Dated August 2004.
If You Have Any Questions, Please Contact Teresa Shirley at 2-9647 or Priscilla Johnson at 2-9614.

REDACTED

Respondents/PRPs List:

Respondent/PRP Name	Is Respondent/PRP a Small Business (100 or Fewer Employees)?
Walter Coke, Inc.	no

List ALL Respondents. Attach Additional Page, If Necessary

Statute(s) and Section(s) **Violated** (NOT Authorizing Section):

(e.g., CAA, EPCRA, CERCLA, etc., (**NOT** U.S.C. nor CFR)

_____/_____ _____/_____ _____/_____ _____/_____

FOR RCRA CASES ONLY:

_____SQG __X__LQG _____CESQG

Is this order being used to implement RCRA Corrective Action activities at the facility (e.g., RCRA facility investigation, groundwater remediation, etc.)? _____Yes _____No

FOR NPDES CASES ONLY (Check all that apply):

_____CWA Sec 301, Discharge Without a Permit, Other Unpermitted Discharges
_____CWA Sec 405, Sewage Sludge Disposal
_____CWA Sec 504, Emergency Powers
_____CWA Sec 301/307, Effluent Limitations (Pretreatment)
_____CWA Sec 301/402, CSO
_____CWA Sec 301/402, CAFOs
_____CWA Sec 301/402, Other Permit Violations-Limits, Reporting, Schedule
_____CWA Sec 301/402, SSO
_____CWA Sec 301/402, Stormwater – Construction
_____CWA Sec 301/402, Stormwater – Non-Construction
_____CWA Sec 301/402, MS4

Authorizing Statute(s) and Section(s) for Administrative Actions: _____/_____ _____/_____

If CERCLA, Is the Site on the NPL? _____Yes _____No

12. CFR Violation Citation(s):

40 CFR Part_____ Section_____ 40 CFR Part_____ Section_____

40 CFR Part_____ Section_____ 40 CFR Part_____ Section_____

Is This A Multi-Media Action? _____Yes ___X___No

If No, Skip This Section

If Yes, Check All That Apply:

CAA:
___Mobile Source (Title II)
___Stationary Source (Other Than Title II)
___Prevention of Accidental Releases (112(r))

CERCLA:
___Hazardous Site Response (CERCLA Superfund Other Than 103 and/or RCRA 3013 or 7003)

CWA:
___NPDES (Other Than 311 and 404)
___Oil Pollution (311)
___Wetlands (404)

EPCRA or EPCRA/CERCLA:
___Community Right-to-Know (313)
___Release Notification/Emergency Preparedness (Non-313 and/or CERCLA 103)

FIFRA:
___Pesticides

MPRSA:
___Ocean Dumping

RCRA:
___Hazardous Waste Mgmt (Subtitle C)
___Solid Waste Mgmt (Subtitle D)

SDWA:
___Public Water Supply (1414 et seq.)
___UIC (1421 et seq.)

TSCA:
___Asbestos Hazardous Emergency Response Act (201)
___Lead Exposure Reduction (409)
___PCBs (6(e)
___Toxic Substance (Other Than Lead or PCBs)

UST:
___Underground Storage Tanks (Subtitle I)

Was the Agency Activity Taken in Response to Environmental Justice Concerns?

If Yes: _____Minority _____Low Income _____Both

REDACTED

Date Complaint Filed: _____

Proposed Penalty Amount: $_____
(Should Be Amount **Prior to Reductions** Using a Penalty Policy)

Is This an Amended Complaint: _____Yes _____No

AND/OR Proposed Cost Recovery Amount: $_____

Self-Disclosure Information

Did Company Self-Disclose Violations? _____Yes ___X___No (If No, Skip This Section)

Date Violations Disclosed:_____

Does Company Have Less Than 100 Employees? _____Yes _____No
(Note: If Yes, Treat As If Violations Were Disclosed Under EPA's Small Business Policy.)

Has the Inspection Information Been Entered Into ICIS? ___X___Yes _____No
*Several inspections have been performed; last inspection occurred in FY 2011.

If Yes, What is the ICIS Compliance Monitoring Activity Name (Exactly)? Walter Coke, Inc.

What Type of Inspection Was Conducted (Statute/Section)? 3002/3004/3005/3010

Date of Inspection? 9/6/11

FY 2012 National Initiatives

National Enforcement Initiatives

(Check All That Apply)

Air Toxics:

___LDAR
___Flares
___Excess Emissions

NSR/PSD:

___Coal-Fired Power Plants
___Cement
___Glass Manufacturing
___Sulfuric Acid Plants
___Nitric Acid Plants

Wet Weather:

___CAFO
___CAFO Regional Initiative Areas
___CSOs <50k Serv. Population
___CSOs ≥ 50k Serv. Population

___SSOs ≥ 10 mg/day & <100 mg/day

___MS4s (Phase I)
___MS4S (Phase II)

Mineral Processing:

___Non-Phosphoric Acid
___Phosphoric Acid
___Mining - Other

Energy Extraction:

___Land Based Gas Extraction & Production

Regional Initiatives

(Check All That Apply)

FIFRA:

___Antimicrobial Labeling
___Imports
___Retail Marketing
___Supplemental Registrations

TSCA:

___Lead Based Paint
___Chemical Data Reporting

RCRA:

___Surface Impoundment
___Electronic Waste Exporters

CAA:

___Georgia Asbestos
___Chesapeake Bay Initiative
___Community Initiatives
___Kentucky RMP

CWA:

___Coal Mining
___Shellfish Harvesting Areas & Beach Closures
___Wetlands

EPCRA:

___TRI Enforcement

PORT OF HUNTINGTON: ___

ENVIRONMENTAL JUSTICE:___

Violation Types

CAA

___Asbestos Demolition/Renovation Work Practice Req.

___Asbestos – Failure to Maintain Records

___Asbestos – Failure to Report; Notify; or Inform

___Asbestos – Inspect

___Asbestos Requirement Violation

___Asbestos – Sample

___Acid Rain

___Discharge, Emission or Activity w/out Required Permit

___Violation of Permit Requirement

___National Emission Standard for Hazardous Air Pollutant

___New Source Review

___New Source Performance Standard

___Prevention of Significant Deterioration

___Risk Management Plan

___Stratospheric Ozone Protection Plan

___Air Emissions Not Otherwise Specified

___Tampering w/Emissions Control Device

___Violation of Reporting Requirements

___Violation of Requirement to Monitor/Maintain Records

___Other/Miscellaneous

___Opacity

NPDES

___Animal Feedlots

___Discharge, Emission, or Activity w/out Required Permit

___Sanitary Sewer Overflows

___Stormwater Overflows

___Violation of a Permit Requirement

___Violation of Reporting Requirements

___Violation of Sludge Disposal Requirements

___Violation of Requirements of Monitor/Maintain Records

___Pretreatment Violation

WETLANDS

___Discharge Without or In Violation of a 404 Permit

___Violation of a Previously Issued AO

___Other/Miscellaneous

RCRA

___Battery Management Act Violation

___Benzene Waste

___Bevill Enforcement Case

___Closure & Post Closure Requirement

___Container Requirements

___Discharge, Emission, or Activity w/out Required Permit

___Disposal Facility Requirements – Not Otherwise Specified

___Exports Violation

___Imports Violation

___Failure to Notify

___Failure to Report Information as Required

___General Facility Requirements

___Groundwater Monitoring Requirements

___Labeling or Marking Requirements

___Land Ban

___Monitoring Requirements

___K061 Initiative

___Misidentified Waste

___Permit Evader

___Treatment Facility Requirement

___Violation of a Previously Issued AO

___Violation of a Permit Requirement

___Violation of a Requirement of Monitor/Maintain Records

* No vlos – corrective action only

OPA

___Failure to Have an Adequate SPCC Plan

___Spill

___Other

UST

___Leak Detection and Repair

___Requirements Other Than LDAR

___Violation of Reporting Requirements

___Violation of Requirement to Monitor/Maintain Records

EPCRA & EPCRA/CERCLA

___CERCLA Reportable Quantity Discharge Violation

___Toxics Release Inventory (Section 313)

___Violation of Requirement to Monitor/Maintain Records

___Violation of Reporting Requirements

UIC

___Casing and Cementing

___Injection Between Outermost Casing

___Injection Beyond Authorized Pressure

___Mechanical Integrity

___No Approved Plugging & Abandonment Plan

___Non-Compliance w/Plugging & Abandonment Plan

___Unauthorized Injection

___Unauthorized Operation of Class IV Well

___Monitoring Requirements

___Unauthorized Brine Discharge

___Violation of Reporting Requirements

___Violation of Requirement to Monitor/Maintain Records

___Other/Miscellaneous

PWS

___Failure to Submit DMRs

___Maximum Contaminant Level

___Monitoring/Reporting

___Notification to Public

___Sampling and Analyzing

___Total Coliform Rule

___Surface Water Treatment Rule

___Violation of Permit Requirement

___Recordkeeping Violations

___Other/Miscellaneous

TSCA

AHERA:

___LEA – Clearance
___LEA – Failure to Implement Mgmt Plan
___LEA – Failure to Notify
___Fiber Release
___Improper Sampling
___Inspection
___Management Plan
___Operations and Maintenance
___LEA – Response Action
___LEA – Responsibility
___LEA – Unaccredited Lab
___Others – Clearance
___Others – Inspection
___Others – Inspection Accreditation
___Others – Lab
___Others – Management Plan
___Others – Response Act. Accreditation
___Others – Unaccredited Lab
___Others – Unaccredited Pers. Dev. Mgmt Plan
___Others – Unaccredited Resp. Act. Workers
___Others – Unaccredited Work/Accredited Super.
___Accreditation
___Certifications and Training Accreditations
___Course Violations Including Hours – Curriculum
___Section 5
___Section 5 (e) / (f)
___Section 5 General PMN
___Section 5 TME
___Section 7 Report Late
___Section 8(a) Level A
___Section 8(b) Inventory Update
___Section 8(c) Recordkeeping
___Section 8(d) Reporting
___Section 8(e) Reporting
___Section 8 Reporting and Recordkeeping
___Improper Disposal of PCBs/Items
___Exports Violation
___Failure to Disclose Information
___Failure to Include Info In Contract/Lease
___Failure to Inform of Obligations
___Failure to Notify
___Failure to Notify EPA of PCB Waste Activities
___Failure to Provide Available Information
___Failure to Report Information as Required
___Failure to Retain Disclosure Records
___Falsify Applications, Reports, Information
___Imports Violation
___Labeling/Marking Violation
___Lead-Based Paint
___Manifesting; No Manifests or Manifest Errors
___Recordkeeping Violations
___Refusal to Allow Inspection or Sampling
___Refusal to Submit Reports (Sections 5-8, 11, 9)
___Training Course Provider Violation
___Violation of a Permit Requirement
___Violation of PCB Rules
___Violation of Req. to Monitor/Maintain Records
___Violation of Storage Facility Requirements
___Violation of Reporting Requirements
___Worker Protection Standards
___ Work Practice Standards

FIFRA

___ Advertised Pesticide for Unregistered Use

___ Advertised Pesticide Not Registered

___Container Requirements

___Exports Violation

___Imports Violation

___Failure to Notify

___Failure to Report Information as Required

___General Facility Requirements

___Good Laboratory Practices

___Packaging Requirements

___Misuse of a Registered Pesticide

___Misuse Pesticide Under Experimental Permit

___No Records for Restricted Use Pesticide

___Pesticide Not Registered

___Pesticide Safety Trainer

___Posting Pesticide

___Establishment Not Registered (Section 7)

___Section 3(a) Violation – Unregistered Pesticide

___Add To/Take From a Pesticide to Defeat Act

___No Records for Restricted Use Pesticide

___Pesticide Safety Trainer

___Posting Pesticide

___Posting Pesticide Safety Information

___Test Pesticide on Humans in Violation of Act

___Composition Differs

___Adulterated

___Violations of Reporting Requirements

___Violations of Requirement to Monitor/Maintain Records

___Worker Protection Standards

___Other/Miscellaneous

MISBRANDED:

___Directions for Use Not Adequate

___Failed to Bear Spanish Signal Word

___Failed to Bear WPS Reference Statement

___False Claim on Label

___Imitation of Another Pesticide

___Inadequate Precautionary Labeling

___Ingredient Statement Not on Container

___Label Does Not Bear Registration Number

___Label lacks Poison Information

___Labeling Does Not Bear Use

___Labeling Incomplete

___Lack of Prominence

___Not Registered for Use in USA

___Package Does Not Conform

___WPS Reference Statement Contains Errors

___WPS Reference Statement Is Incomplete